

## ZONING COMMITTEE STAFF REPORT

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|--|---|
| 1. <b>FILE NAME:</b> Olga Zoltai   | <b>FILE #</b> 10-320-786                        |
| 2. <b>APPLICANT:</b> Olga M Zoltai   | <b>HEARING DATE:</b> May 27, 2010               |
| 3. <b>TYPE OF APPLICATION:</b> NUP - Establishment   |   |
| 4. <b>LOCATION:</b> 476 Summit Ave, SW corner at Lawton  |   |
| 5. <b>PIN &amp; LEGAL DESCRIPTION:</b> 012823310167, Terrace Park Addition To the C Vac St Accruing & Lots 1 And Lot 2 Blk 2 |   |
| 6. <b>PLANNING DISTRICT:</b> 16  | <b>PRESENT ZONING:</b> RT2                      |
| 7. <b>ZONING CODE REFERENCE:</b> §Sec. 62.109(a); §66.214; §66.241   |   |
| 8. <b>STAFF REPORT DATE:</b> May 19, 2010  | <b>BY:</b> Merritt Clapp-Smith                  |
| 9. <b>DATE RECEIVED:</b> May 6, 2010   | <b>60-DAY DEADLINE FOR ACTION:</b> July 5, 2010 |
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- A. **PURPOSE:** Establishment of legal nonconforming use as 8 residential units: 6 in main building, 2 in carriage house
- B. **PARCEL SIZE:** 19,069 sq. ft. (100 foot width on Summit X 190 foot depth along Lawton)
- C. **EXISTING LAND USE:** R-Multi-Family
- D. **SURROUNDING LAND USE:** R-Single- and Multi-Family
- E. **ZONING CODE CITATION:** §62.109(a) lists the conditions under which the Planning Commission may grant a permit to establish legal nonconforming use status; §66.214 defines the intent of the RT2 zoning district; and §66.241 states the number of buildings allowed in an RT2 district.
- F. **HISTORY/DISCUSSION:** The house, designed by architect Clarence Johnston, was built in 1885 for Chauncey and Martha Griggs. It has had various owners, including an arts school for 25 years in the mid-1900s. The mansion returned to use as a private residence in 1964 and has remained as such with some rental units since that time. The carriage house behind the main building has been occupied with dwelling units for decades. The property is located in the Historic Hill District and is registered as a contributing building within that district.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 16 Zoning and Land Use Committee recommends approval of NCUP with condition of expiration after six (6) years, to ensure that the building returns to conformity.
- H. **FINDINGS:**
1. The property at 476 Summit Avenue includes two buildings, the primary structure which totals 16,534 square feet on four floors, and the carriage house which totals 2,954 square feet and has two units. The primary building has been occupied as a residence and a school over its lifetime and over that period has been divided into multiple living units. Some of these units were created without City permits and therefore, did not trigger review for zoning compliance. The property is zoned RT2, which allows for up to four (4) units in the main residence, as well as two (2) units in the carriage house. There are currently eight units -- six (6) dwelling units in the main building and two units in the carriage house. The applicant is seeking a NCUP to allow the eight dwelling units, prior to selling the property. The prospective new owner has stated his intent to rehab and deconstruct some of the units in the main building over time.
  2. Section 62.109(a) of the zoning code provides that the Planning Commission may grant legal nonconforming use status to use of structures if the commission makes eight findings. The findings and the applicant's ability to meet them are as follows:
    - (1) *The use occurs entirely within an existing structure.* This finding is met. The eight dwelling units are located in the existing main, residential structure and in the carriage house.
    - (2) *The use or use of similar intensity permitted in the same clause of the zoning code or in a more restrictive zoning district has been existence continuously for a period of at least ten years prior to the date of the application.* This finding is met. Rental records provided by the applicant show nine (9) units (including the two in the carriage house) being rented in the

property in the year 2000, and letters from previous tenants and a realtor describe up to seven (7) units being rented since the mid-late 1990s. Three of the "units", those in the front half of the third floor, are closest in configuration to a single dwelling unit with three separately rented bedrooms, but do not strictly meet the City's code definition of a "dwelling unit" because they do not share a kitchen. The applicant has described these as a "rooming unit", although it does not meet that code definition either. For the purposes of this application, the three front rooms on the third floor are being referred to and counted as a single dwelling unit, although some building modifications would need to be made to make it a legal, code compliant unit.

- (3) *The off-street parking is adequate to serve the use.* This finding is met. The property has six (6) off-street spaces – two parking spaces adjacent to the carriage house off the alley, a 3-car garage, and a single parking pad behind the main house. Parking appears to be readily available on the adjacent streets. The City's parking code requires 1.5 spaces per dwelling unit, which would total 12 spaces for this property, so it does not comply with the code. However, 12 spaces seem excessive for the property and could compromise the historic look and design of the property.
- (4) *Hardship would result if the use were discontinued.* This finding is met. The property can be viably used within the allowed parameters of its zoning, with up to six units. However, immediate de-conversion of the extra units in this unique property, including a large, historic mansion, creates a greater hardship than in a typical single-family home. The property and buildings are very large and expensive to maintain. The buildings are currently configured for eight units, including the owner's unit. The rental income from the units is significant and an important source of revenue to the owner. Until and unless some of the units are rehabbed and de-converted, they do not function as good, operable rooms to add to the owner's unit. A property sale is pending and the prospective owner plans to rehab and de-convert some of the units, reducing the overall number of units to comply with the underlying zoning of the property. However, the rehab process will take time and money and needs to be done carefully to comply with historic preservation guidelines. Rental income from the extra units can help to finance the work.
- (5) *Rezoning the property would result in "spot" zoning or a zoning inappropriate to surrounding land uses.* This finding is met. The properties in the immediate area are zoned RT2 or R2. A change in zoning to a more intensive residential district would be inconsistent with the area, as well as inappropriate to the nature of the building and the property.
- (6) *The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. The current configuration of the main building with six residential units and the carriage house with two units has been in existence for over ten (10) years and has not proven detrimental to the surrounding area.
- (7) *The use is consistent with the comprehensive plan.* This finding is generally met. This area of Summit Ave is designated for residential use and is in the Historic Hill District. However, goals in the Historic Preservation chapter of the Comprehensive Plan emphasize preserving historic properties and discouraging inappropriate conversions or uses. All building alterations made within historic districts must apply for building permits which are reviewed by historic preservation staff.
- (8) *A notarized petition of two-thirds of the property owners within one hundred (100) feet the property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on May 12, 2010: 10 parcels eligible; 7 parcels required; 8 parcels signed.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the establishment of legal nonconforming use for the property with eight (8) residential units -- six (6) in main building and two (2) in carriage house -- for a period of six (6) years and subject to the following conditions:

1. The non-confirming use permit expires six years from the date of its approval, by which time the main structure at 476 Summit Avenue must be de-converted from six (6) units to four (4) or fewer units, so that the property complies with the allowed number of units in an RT2 zoning district.
2. Within six (6) months of non-conforming use permit approval, Unit #6 (the front half of the third floor) must undergo necessary alterations to be brought into compliance with City codes and standards for a legal dwelling unit.

PATRICIA JAMES PED 266-6639  
25 W 4TH ST  
14TH FLOOR



**NONCONFORMING USE PERMIT APPLICATION**  
Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6589

Courtesy = 8

PD = 16

Zoning Office Use Only	
File #:	10-320786
Fee:	\$650.00
Tentative Hearing Date:	5-27-10

0/28233/0167

**APPLICANT**

Name Olga Zoltai  
Address 476 Summit Ave.  
City St. Paul St. MN Zip 55102 Daytime Phone 651-293-0152  
Name of Owner (if different) \_\_\_\_\_  
Contact Person (if different) Kitty Gogins (daughter) Phone 612-619-3500

**PROPERTY LOCATION**

Address/Location 476 Summit Ave  
Legal Description lots 1 and 2 Blk 2 Terrace Park Addition  
Current Zoning RT2  
(attach additional sheet if necessary)

**TYPE OF PERMIT:** Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for: ☐ Change from one nonconforming use to another (para. c)  
☐ Re-establishment of a nonconforming use vacant for more than one year (para. e)  
☒ Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)  
☐ Enlargement of a nonconforming use (para. d)

**SUPPORTING INFORMATION:** Supply the information that is applicable to your type of permit.

Present/Past Use 6 units in main building (5 dwelling units & 1 rooming unit) & 2 dwelling units in Carriage House  
Proposed Use the same - requesting non-conformance for existing situation

Attach additional sheets if necessary

Attachment 1: Description and Floor Plan in Existence Since Before 2000

2. Consent Petition of Adjoining Property Owners
3. Affidavit of Petitioner Circulating Consent Petition
4. Zoltai Ownership History and Proof of Eight Units in Consistent Use Since 2000.
5. Thor Zoltai's Original Floor Plan and Document Outlining Renovation Work by October 31, 1989 Completed!
6. Letter from Buyer Outlining Situation and Plans.

Attachments as required ☒ Site Plan

☒ Consent Petition

☒ Affidavit

Applicant's Signature Olga Zoltai

Date 5.6.2010 City Agent

MAY - 6 2010  
pdd 5/6/10



**Attachment 1. Description and Floor Plan in Existence Since Before 2000**

The 476 Summit Avenue property has two buildings, the main house with a total of 16, 534 square feet and the carriage house with 2,954 square feet. Since its construction in 1882-1883 the home has had many varied uses including being a private residence, a social club, an art galley and school, a residence/business, and family home with multiple rental units.

According to the April 26, 2010 letter from Zoning Inspector Mary Montgomery, the main house is zoned for 4 units and the carriage house for 2 units.

For more than a decade, the house has had the current rental configuration. The space is divided as follows:

1. A rental Dwelling Unit in the southwest corner of the main building's basement with kitchenette
2. A rental Dwelling Unit in the northwest corner of the main building's basement with kitchen
3. The owner's Dwelling Unit on the first floor and the north-half of the second floor in the main building
4. A Dwelling Unit on the south side of the main building's second floor with kitchen
5. A Dwelling Unit on the south side of the main building's third floor with kitchen
6. A Rooming Unit on the north side of the main building's third floor. The unit has an art studio, which also serves as the main tenant's bedroom, and two other bedrooms. The tenants share a hallway and bathroom. There is a sink in the studio, but neither bedroom has one. The studio renter manages finding room mates.
7. A Dwelling Unit on the first floor of the carriage house with kitchen
8. A Dwelling Unit on the second floor of the carriage house with kitchen

A pictorial illustration of the 8 units begins on the p.2 of Attachment 1.

476 Summit Floor Plan updated April 2010 from original prepared in early 1980's

# C.W. Griggs Mansion

476 Summit Avenue

Saint Paul, MN 55102

Built in 1882-1883

Terrace Park Addition

Block 2

Lots 1 and 2

Section 1

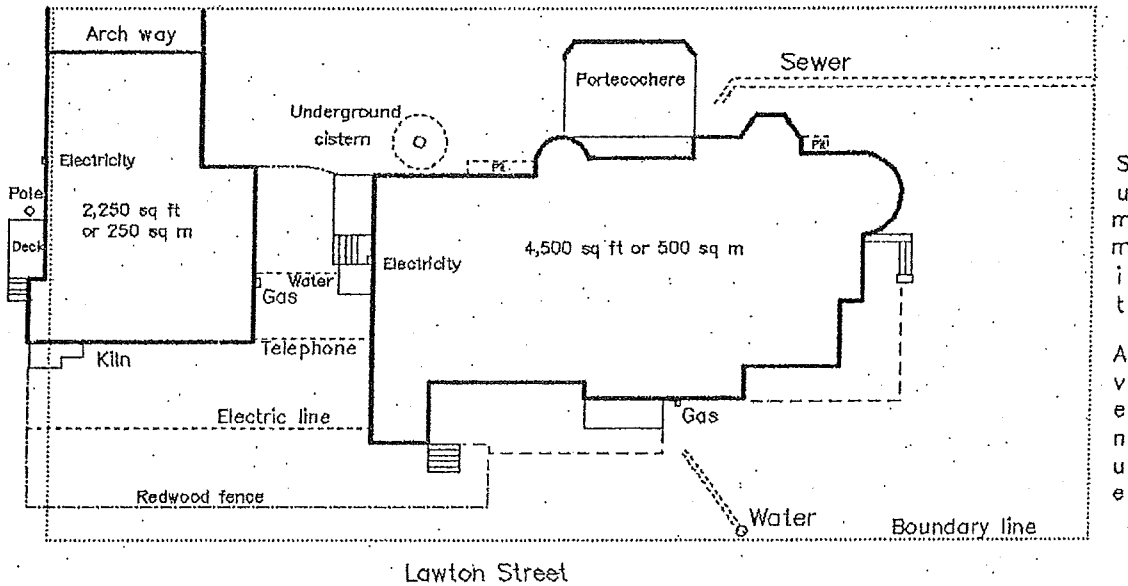
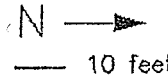
Township 28

Range 23

Ramsey County

Alley deck area vacated in 1986

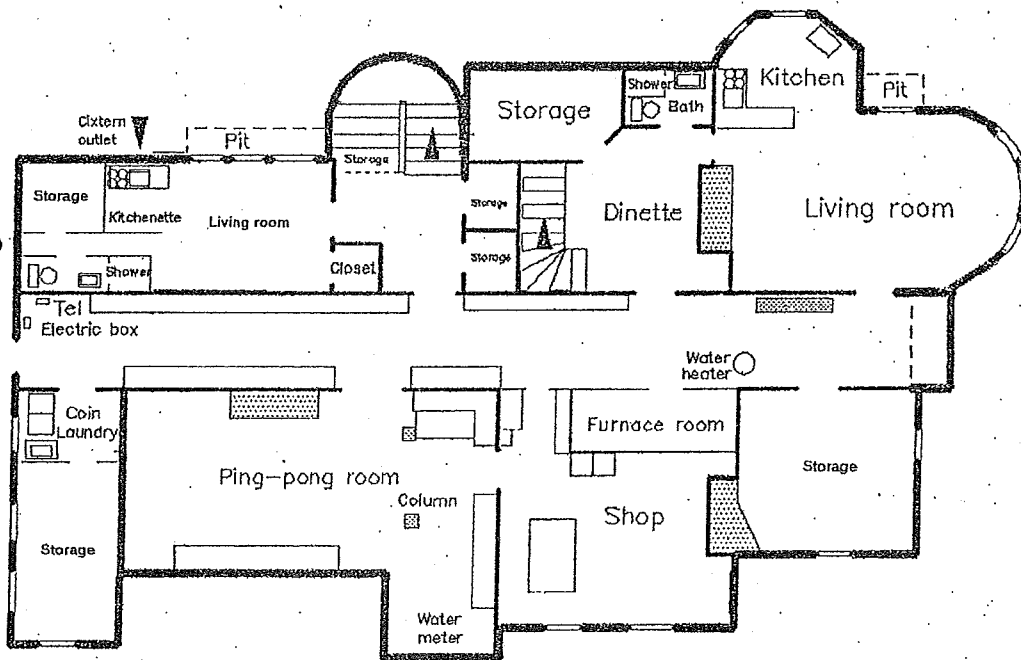
PLOT



## Basement

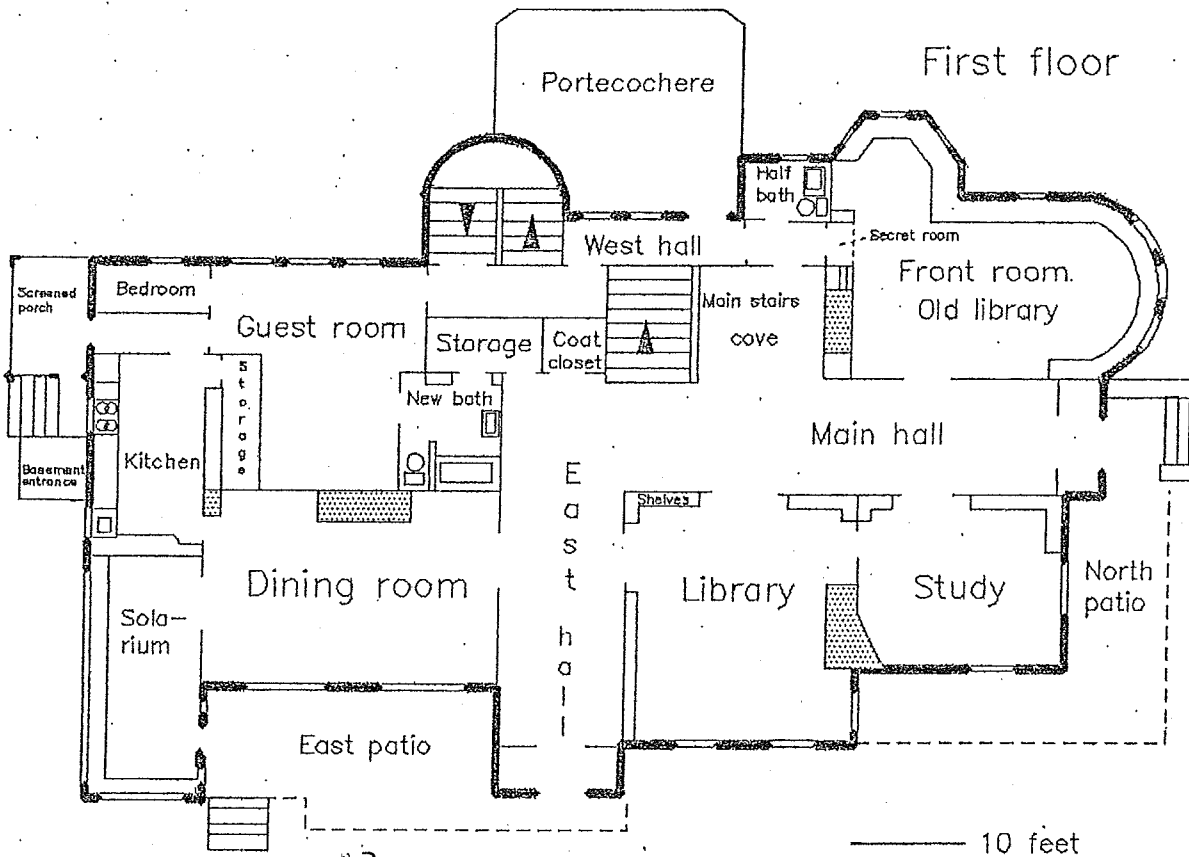
1. basement south dwelling unit (rented)

#2 basement north dwelling unit (rented)



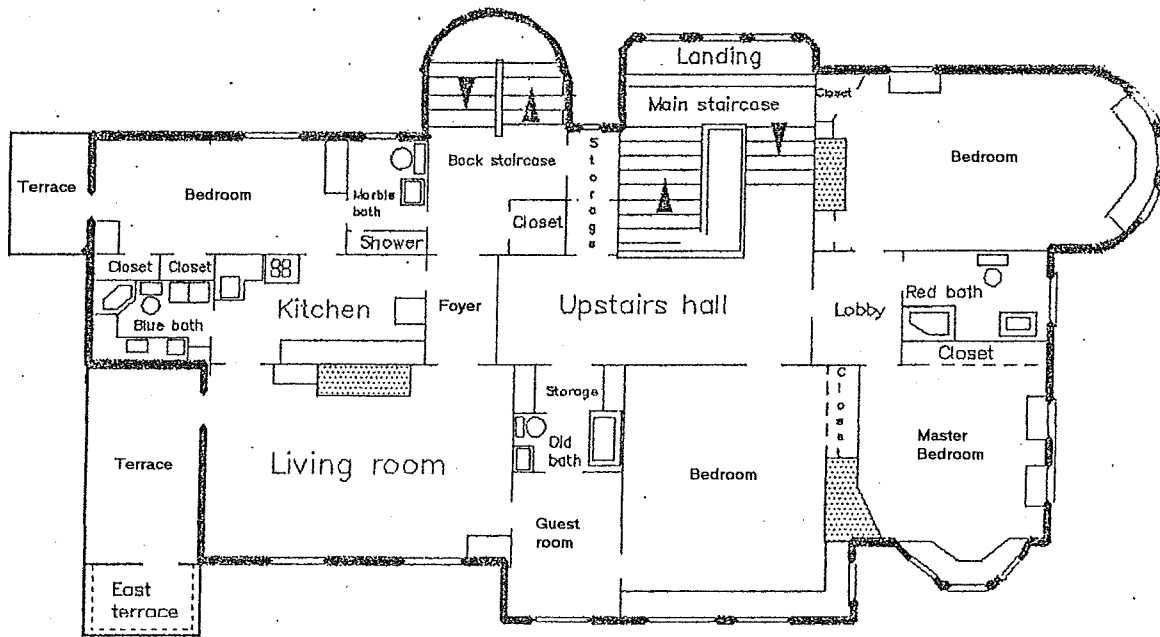
10 feet

476 Summit Floor Plan updated April 2010 from original prepared in early 1980's



#3 Owners unit

Second floor



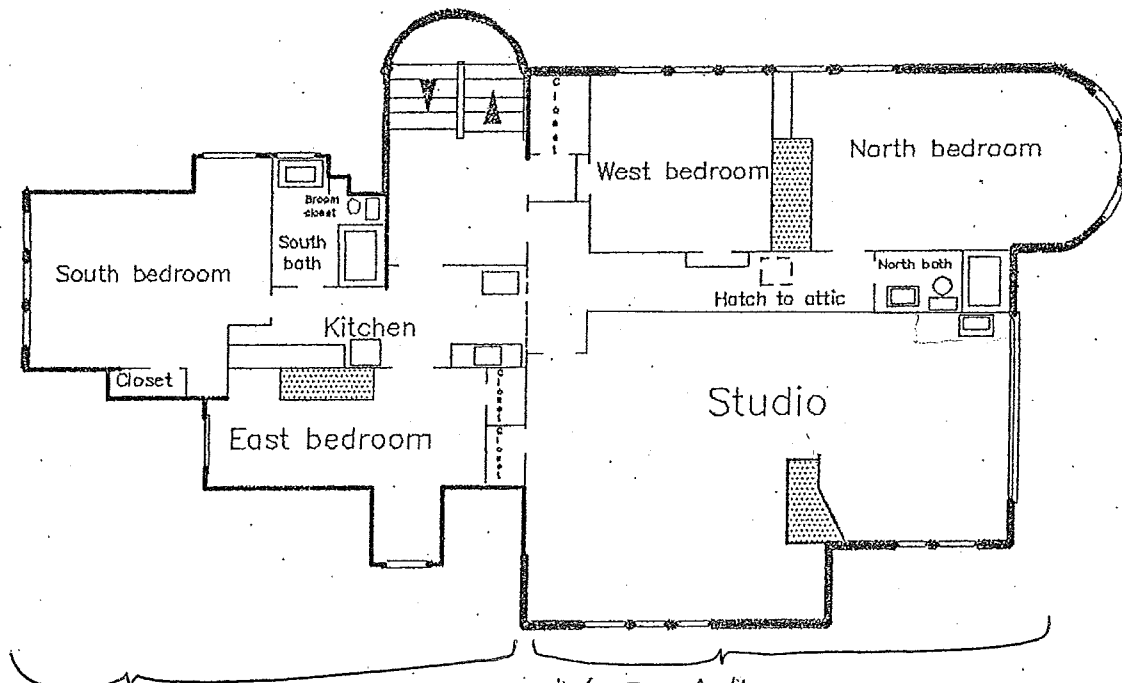
#4 Second floor dwelling unit (rented)

Owners Unit

10 feet

476 Summit Floor Plan updated April 2010 from original prepared in early 1980's

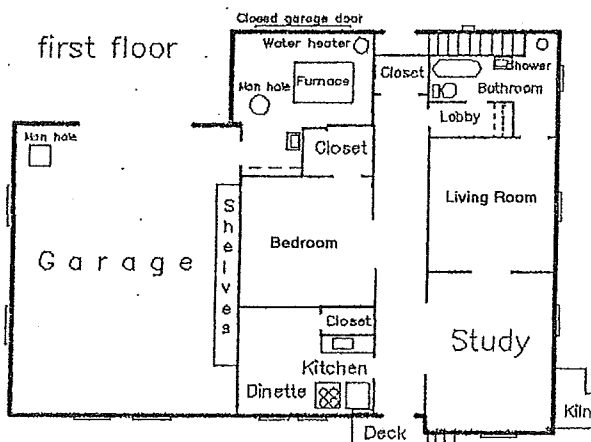
### Third floor



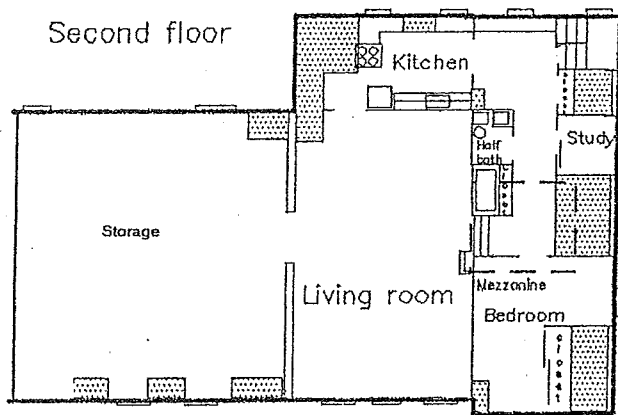
#5 Third floor south side dwelling unit (rented)

#6 Third floor Rooming Unit (rented) 10 feet

### Carriage house

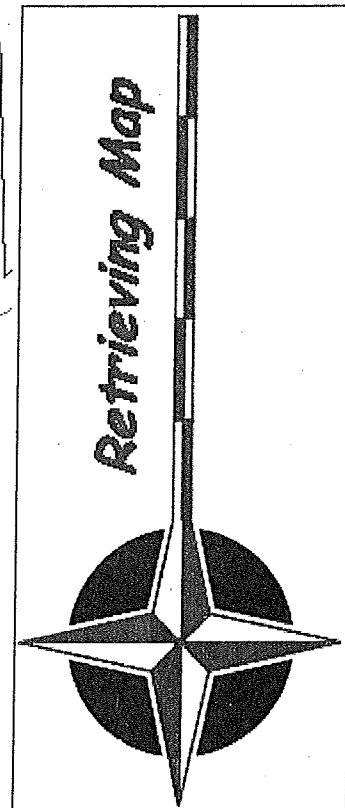
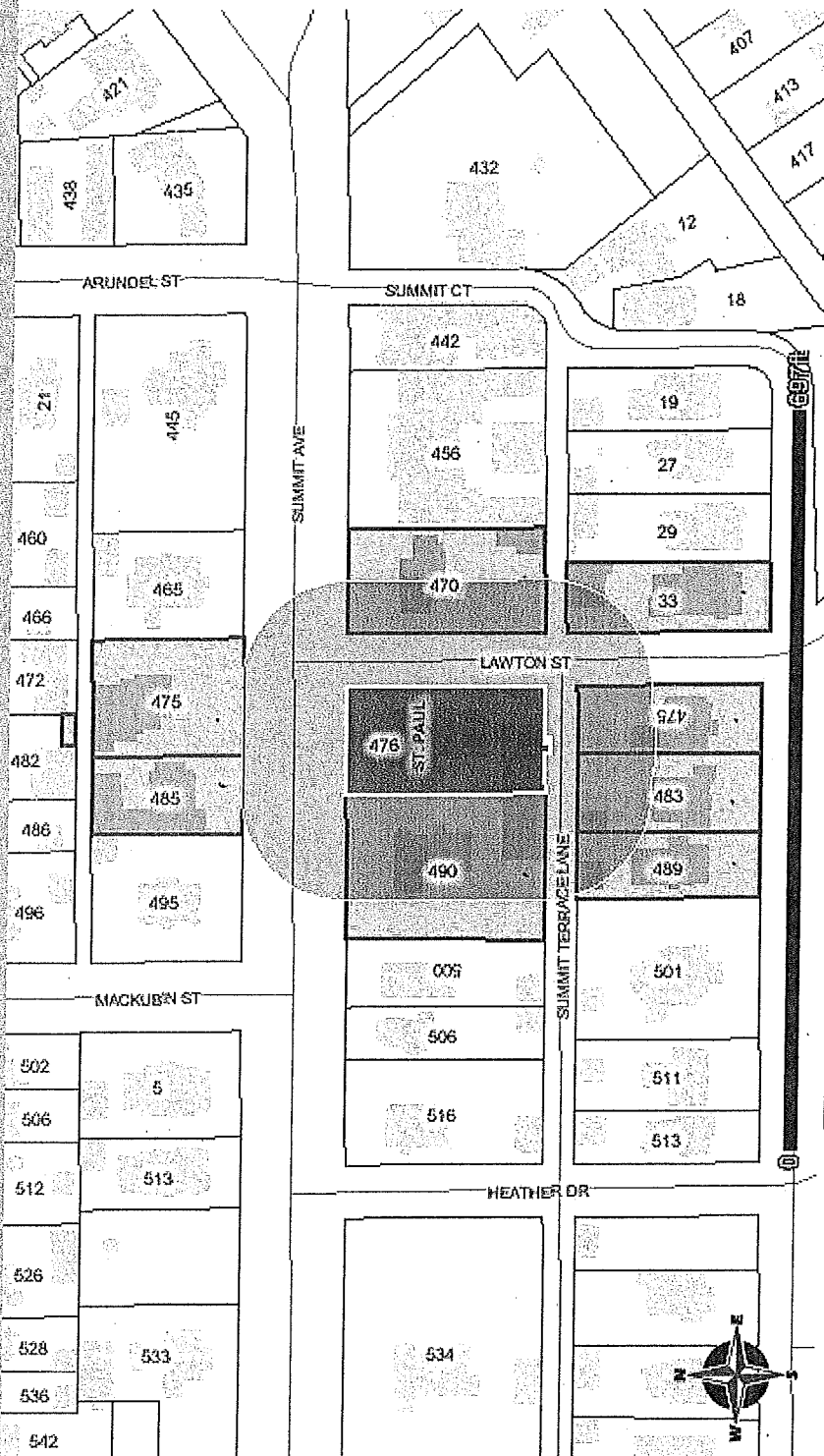


#7 Carriage House First Floor Unit (rented)



#8 Carriage House Second Floor Unit (rented)

10 feet



ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: 5/6/10

DATE PETITION RESUBMITTED: \_\_\_\_\_

DATE OFFICIALLY RECEIVED: 5/12/10

DATE OFFICIALLY RECEIVED: \_\_\_\_\_

PARCELS ELIGIBLE: 10

PARCELS ELIGIBLE: \_\_\_\_\_

PARCELS REQUIRED: 7

PARCELS REQUIRED: \_\_\_\_\_

PARCELS SIGNED: 8

PARCELS SIGNED: \_\_\_\_\_

CHECKED BY: Paul Dubruiel

DATE: 5/12/10

# CITY OF SAINT PAUL

## CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of Olga Zoltai  
(name of applicant)

to establish a nonconforming zoning use permit that is consistent with current long-term use. The (proposed use) property is zoned for 6 units, but has had 8 units for over a decade.

located at 476 Summit Ave  
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
475 Summit Ave	Soraya Scott	<i>Soraya Scott</i>	5/4/10
485 Summit Ave	Terence & Karen Coyne	<i>Karen Coyne</i>	5/5/10
470 Summit Ave	William & Lois Stevens	<i>Lois Stevens</i>	5/6/10
490 Summit Ave	490 Summit Catering Inc	<i>Terret Seebart</i>	5/5/10
483 Grand Hill	Stephen Riend & Paul Hanson	<i>Paul Hanson</i>	5/5/10
475 Grand Hill	John Cowles & Pogo Knudsen	<i>John Cowles</i>	5/4/10
489 Grand Hill	Elizabeth Mannion	<i>Elizabeth Mannion</i>	5/5/10
33 Summit Ct.	Patrick Diamond & Elizabeth Peterson	<i>Beth Peterson</i>	5-5-10
500 Summit	Kris and Steve Rose	<i>Steve Rose</i>	5/4/10
489 Grand Hill			

**NOTE:** All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

# CITY OF SAINT PAUL

## AFFIDAVIT OF PETITIONER FOR A CONDITIONAL USE PERMIT OR A NONCONFORMING USE PERMIT

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

The petitioner, Olga Zoltai, being first duly sworn, deposes and states that the consent petitioner is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name; each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition; the consent petition contains signatures of owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition; and the consent petition was signed by each said owner and the signatures are the true and correct signatures of each and all of the parties so described.

Olga Zoltai  
NAME

476 Summit Ave., St. Paul  
ADDRESS

651-293-0152  
TELEPHONE NUMBER

Subscribed and sworn to before me this

6<sup>th</sup> day of May, 2010.



Michelle L Toftsrud  
NOTARY PUBLIC



#### Attachment 4. Zoltai Ownership History and Proof of Eight Units in Consistent Use Since 2000

##### Overview

by Kitty Gogins, daughter of Olga and Tibor Zoltai

My parents, Tibor and Olga Zoltai, bought the home in 1982. They spent thousands of hours renovating the home during their first decade of ownership. My father's record of improvements made from 1982 to 1989 is located in Attachment 5. *Historic Preservation Magazine* featured the high quality of their restoration in an article in 1988. They reported: "When Tibor and Olga Zoltai first saw the 100-year-old Chauncey Griggs mansion in St. Paul's historic Ramsey Hill district, it was a 36-room derelict with collapsed ceilings, broken windows, severe leaks and a colorful reputation..." The article goes on, "[Tibor] launched into historic research on the home at the same time that they began actual labor... Admirers cite this research as an example of the thoroughness that distinguishes the Zoltai's restoration... Tibor's resourcefulness also eliminated the severe leakage that had plagued previous owners... 'We consider the expertise and sympathy the Zoltai's have shown a blessing for preservation,' says historical architect Charles Nelson [Minnesota State Historic Preservation Office]." Tibor and Olga's application for designation of the property as a historic home by the St. Paul Heritage Preservation Commission was approved.

At the time my parent's purchased the house there were 3 rental units in the main house, and an additional 2 in the carriage house. They continued this configuration until the early-to-mid 1990s. **Since before 2000 there have been 5 rental units and an owner's unit in the main building, and two rental units in the carriage house.** The following summarizes changes in rental unit configuration with approximate timing:

- There has been no significant change in the past 28 years to the first floor carriage house dwelling unit, the second floor carriage house dwelling unit, or the north basement dwelling unit.
- The second floor rental unit in the main house has been rented continuously since 1982. In 1990, a foyer wall was added between the unit and the owner's unit to reduce the number of connecting doors and provide more privacy. This reduced slightly the size of the owner's main hallway.
- Prior to 1993, the four bedrooms and the studio on the third floor were each rented separately, with the kitchen and bathroom in common. Around 1993, the third floor was divided into a separate dwelling unit and a rooming unit. Michael Stack, a renter since 1991, took the two south bedrooms, the kitchen and a bathroom (south dwelling unit). Dale Redpath, a third floor resident of 5 years, took the north rooming unit with the studio, two bedrooms and a bathroom. She worked and lived in the studio and managed finding renters for the two bedrooms. At roughly the same time, a wall was added between the studio and bedrooms for privacy. Prior to 1993 by father referred to the unit as 3E, 3S, 3W, 3N and STD (studio). After this separation, he referred to it as 3ES, 3W, 3N and STD.
- The structural changes that enabled addition of the south basement unit were made in the mid-1980s (see Attachment 5). Starting in the late 1980s, the unit was rented on occasion, with consistent renting starting sometime in the mid-1990s. My father's records show it was continuously rented from 1999-2002. During 2003, the year of my father's death, there was a new renter for about a year. Then in 2004, Robert Kaupan, the current renter, moved in.

My parent's did not use rental leases. In lieu of this kind of documentation, I have included the following proof of consistent usage since 2000 or before:

- My parent's rental calculation sheet from 2000 that includes a list of their 1999 units and rent (p. 3);
- My father's rent payment tracking sheets from 2000 to 2002 (pp.4-6);
- Affidavits from the two long-term renters regarding configuration and number of units (Dale Redpath pp.7-10 and Michael Stack p.11); and
- An affidavit with supporting material from the realtor who was engaged to sell the home in 1996 (Realtor Dan Blackstad, pp.12-15). He confirms that the same rental configuration existed then as today.

The house has become a heavy burden for my mother to maintain and she needs to leave behind the paperwork, physical work and stress of managing such a large home. She has been trying to sell the property since March 2009. Mohamed Elkhateeb made an offer on the house in March 2010 that she accepted. But the contract closing is contingent on an acceptable resolution to the discrepancy between the number of units zoned and the number historically rented, since associated rental income is critical to meeting his financial liability. See Mr. Elkhateeb's statement and plans for the future in Attachment 6—he hopes to reduce the total number of units once the contract for deed is complete.

Tibor's notes regarding a planned price increase

Attachment 4  
p. 3 of 15

		1999	2000	incr.	%	2001	incr.	%
John	CH1	575	620	+ 45	8	540 690/540	70	11
Zara	CH2	520	600	+ 80	15	690	90	15
Solfrtid	2	625	675	+ 50	8	750	75	12
Mike	3ES	480	510	+ 30	6	550	40	8
Richard	3W	240	260	+ 20	8	290	30	11
Niki	3N	270	295	+ 25	9	325	30	10
Dale	STD	560	600	+ 40	7	650	50	8
?	BN	440	450	+ 10	2	490	40	9
Don	BS	300	330	+ 30	10	360	30	9

330

4640  
9280 455  
55680

November 14, 2000

Dear ,

Due to the increasing cost of maintaining this dear old house we have to raise the rents on the 1<sup>st</sup> of January. Your rent will be \$.00.

Beginning with the new year we will be charging late payment fee if the rent is not paid by the 5<sup>th</sup> of the month. That will be an extra \$10 per day. We hope that this policy will be an incentive for prompt payments.

*Olga*

# Tibor's tracking of rental payments, 2000

Attachment 4  
p. 4 of 15  
4840  
4085  
4/8/02

476 Summit Avenue, St. Paul, MN 551002-2602

2000

January 2000	February 2000	March 2000	April 2000
Kris Mark 620 ✓	Kris Mark ✓	Kris Mark ✓	Kris Mark ✓
Zara CH2 600 ✓	Zara ✓	Zara ✓	Zara ✓
Solfrid 2 675 ✓	Solfrid ✓	Solfrid ✓	Solfrid ✓
Julie BN 450 ✓	Julie ✓	Julie ✓	Julie ✓
Mike 3S 255 ✓	Mike ✓	Mike ✓	Mike ✓
Mike 3E 255 ✓	Mike ✓	Mike ✓	Mike ✓
Richard 3W 260 ✓	Richard ✓	Richard ✓	Richard ✓
Niki 3N 295 ✓	Niki ✓	Niki ✓	Niki ✓
Studio D 600 ✓	Studio ✓	Studio ✓	Studio ✓
Don BS 330 ✓	Don ✓	Don ✓	Don ✓
3143.00	+ 6,000	6,000 3/30	

May 2000	June 2000	July 2000	August 2000
Kris Mark ✓	Kris Mark ✓	Kris Mark ✓	Kris Mark ✓
Zara CH2 ✓	Zara ✓	Zara ✓	Zara ✓
Solfrid 2 ✓	Solfrid ✓	Solfrid ✓	Solfrid ✓
Julie BN ✓	Julie ✓	Julie ✓	Julie ✓
Mike 3S ✓	Mike ✓	Mike ✓	Mike ✓
Mike 3E ✓	Mike ✓	Mike ✓	Mike ✓
Richard 3W ✓	Richard ✓	Richard ✓	Richard ✓
Niki 3N ✓	Niki ✓	Niki ✓	Niki ✓
Studio D ✓	Studio ✓	Studio ✓	Studio ✓
Don BS ✓	Don ✓	Don ✓	Don ✓
8,000	8,000	2,450	

September 2000	October 2000	November 2000	December 2000
Kris Mark ✓	Kris Mark ✓	Kris Mark ✓	Kris Mark ✓
Zara CH2 ✓	Zara ✓	Zara ✓	Zara ✓
Solfrid 2 ✓	Solfrid ✓	Solfrid ✓	Solfrid ✓
Julie BN ✓	Julie ✓	Julie ✓	Julie ✓
Mike 3S ✓	Mike ✓	Mike ✓	Mike ✓
Mike 3E ✓	Mike ✓	Mike ✓	Mike ✓
Richard 3W ✓	Richard ✓	Richard ✓	Richard ✓
Niki 3N ✓	Niki ✓	Niki ✓	Niki ✓
Studio D ✓	Studio ✓	Studio ✓	Studio ✓
Don BS ✓	Don ✓	Don ✓	Don ✓
+ 3,000	+ 5,500 11/4	+ 4,000	4,000

Don Sobania, 1510 Crawford St., Roseville MN 55113 (651) 645-1322

4000.00  
3056.19

# Tibor's tracking of rental payments, 2001

476 Summit Avenue, St. Paul, MN 551002-2602

2001

January	February	March	April
John CH1 690/540 ✓	John ✓	John ✓	John ✓
Zara CH2 690 ✓	Zara ✓	Zara ✓	Zara ✓
Solfrid 2 750 ✓	Solfrid ✓	Solfrid ✓	Solfrid ✓
Charles BN 490 ✓	Charles ✓	Charles ✓	Charles ✓
Mike 3SE 550 ✓	Mike ✓	Mike ✓	Mike ✓
Richard 3W 290 ✓	Richard ✓	Richard ✓	Richard Chris ✓
Niki 3N 325 ✓	Niki ✓	Niki ✓	Niki ✓
Studio D 650 ✓	Studio ✓	Studio ✓	Studio ✓
Don BS 360 ✓	Don ✓	Don ✓	Don ✓
3,000 ✓	3,000	4,000	7,600

May	June	July	August
John CH1 ✓	John ✓	John ✓	John ✓
Zara CH2 ✓	Zara ✓	Zara ✓	Zara ✓
Solfrid 2 ✓	Solfrid ✓	Solfrid ✓	Solfrid ✓
Charles BN ✓	Charles ✓	Charles Vick ✓	Charles Vick ✓
Mike 3SE ✓	Mike ✓	Mike ✓	Mike ✓
Richard 3W ✓	Richard ✓	Richard Chris ✓	Richard Chris ✓
Niki 3N ✓	Niki ✓	Niki ✓	Niki ✓
Studio D ✓	Studio ✓	Studio ✓	Studio ✓
Don BS ✓	Don ✓	Don ✓	Don ✓
3,000			

September	October	November	December
John CH1 ✓	John 550 ✓	John ✓	John ✓
Zara CH2 ✓	Zara 850 ✓	Zara Jason ✓	Zara Jason ✓
Solfrid 2 ✓	Solfrid 825 ✓	Solfrid ✓	Solfrid ✓
Charles BN ✓	Charles 600 ✓	Charles Vick ✓	Charles Vick ✓
Mike 3SE ✓	Mike ✓	Mike ✓	Mike ✓
Richard 3W ✓	Richard ✓	Richard Chris ✓	Richard 330 330 ✓
Niki 3N ✓	Niki ✓	Niki ✓	Niki ✓
Studio D ✓	Studio 700 ✓	Studio ✓	Studio ✓
Don BS ✓	Don ✓	Don ✓	Don ✓
550			
690			
750			
50-600			
330			
700			
420			

Don Sobania, 1510 Crawford St., Roseville MN 55113 (651) 645-1322

# Tibor's tracking of rental payments, 2002

476 Summit Avenue, St. Paul, MN 551002-2602

2002

January	February	March	April
John CH1 750/550	John	John	John
Jason CH2 750	Zara	Jason	Jason
Solfred 2 825	Solfred	Solfred	Solfred
Viki BN 600	Viki	Viki	Viki
Mike 3SE 600	Mike	Mike	Mike
Cathy 3W 325	Cathy	Cathy	Cathy
Niki 3N 350	Niki	Niki	Niki
Studio D 700	Studio	Studio	Studio
Don BS 420	Don	Don	Don

350 dypen  
420 "

May	June	July	August
X John CH1	X John	John	X John
Zara CH2	Zara	Zara Jason	Jason
Solfred 2	Solfred	Solfred	Solfred
Viki BN	Viki	Viki	Viki
Mike 3SE	Mike	Mike	Mike
Cathy 3W	Cathy	Cathy	Cathy
Niki Kristi 3N	Niki Kris	Niki Kristi	Niki Kristi
Studio D	Studio	Studio	Studio
Don Brandon BS	Don Brandon	Don Brandon	Don

September	October	November	December
John CH1	John	John	John
Jason CH2	Jason	Jason	Jason
Solfred 2	Solfred	Solfred	Solfred
Viki BN	Viki	Viki	Viki
Mike 3SE	Mike	Mike	Mike
Cathy 3W	Cathy	Cathy	Cathy
Niki 3N	Niki	Niki	Niki
Studio D	Studio	Studio	Studio
Don BS	Don	Don	Don

5/3/10

TO WHOM IT MAY CONCERN,

MY NAME IS DALE REDPATH AND I HAVE LIVED AND WORKED ON THE TOP FLOOR OF 476 SUMMIT AVE. IN ST. PAUL FOR ABOUT 22 YEARS. IN THAT TIME I HAVE TAKEN OVER SOME OF THE TOP FLOOR BASIC MANAGEMENT DUTIES FOR OLGA ZOLTAI, THE HOME'S OWNER.

IT HAS BEEN A WONDERFUL PLACE TO LIVE AND WORK.

HERE ARE MY MEMORIES OF THE RENTAL UNITS IN THE MAIN HOUSE AND CARRIAGE HOUSE AT 476 SUMMIT.

MY DATES MIGHT NOT BE TOTALLY ACCURATE BUT CLOSE:

- IN 1989 I BEGAN RENTING HALF OF THE STUDIO. AT THAT TIME THE TURRET ROOM AND 2 ROOMS OFF OF WHAT IS NOW MICHAEL'S APARTMENT, ON THE BACK OF THE UPPER FLOOR, WERE ALSO RENTED.
- IN 1991 I CONTINUED SHARING THE STUDIO BUT ALSO MOVED INTO THE TURRET ROOM NEXT DOOR TO THE STUDIO.
- IN 1993 MY STUDIO MATE MOVED OUT AND TO KEEP THE STUDIO AFFORDABLE TO ME TIBOR ALLOWED ME TO MOVE INTO THE BACK OF THE STUDIO. BECAUSE OF THE NEED FOR PRIVACY AND THE CREATION OF A HALLWAY TO GET TO THE TURRET ROOM WITHOUT WALKING THROUGH THE STUDIO, TIBOR ALLOWED ME TO

CONSTRUCT A TEMPORARY WALL FROM THE BATHROOM TO THE STUDIO ENTRANCE WALL. I INCLUDED A DOOR AND WINDOWS SO LIGHT COULD GET TO THE HALLWAY AND A CLOSET TO HELP STABILIZE THE WALL BECAUSE IT IS MOSTLY WEDGED INTO PLACE VS. NAILED.

THERE IS NO ELECTRICAL WIRING INSIDE THE WALL. THE STABLE ATTIC LADDER WAS TURNED WITH HINGES AND PULYS INTO SOMETHING THAT COULD BE RAISED AND LOWERED WHEN NEEDED.

AT THIS TIME I KNOW THAT THE STAGE AND TURBIT ROOMS WERE BOTH RENTED AND THE 2 ROOMS IN MICHAEL'S SPACE. IT WAS AROUND THAT TIME THAT MICHAEL DECIDED TO RENT BOTH THE ~~ROOM~~ ROOMS IN HIS AREA AND MAKE THE SPACE INTO A SINGLE APARTMENT.

- IN 1993 I BEGAN TO MANAGE THE RENTERS ON THE TOP FLOOR. PUTTING UP RENT POSTERS AND DOING THE INITIAL INTERVIEWS, PLUS SOLVING ANY EASY PROBLEMS ON THE FLOOR.
- FOR THE WHOLE TIME I'VE BEEN AROUND 476, BOTH UNITS IN THE CARRIAGE HOUSE WERE ALWAYS RENTED. THE BASEMENT TURBIT ROOM WAS RENTED ~~with the basement~~ AND THE SMALL ROOM (WITH THE SAUNA) WAS RENTED OFF AND ON BUT HAS BEEN CONTINUALLY RENTED FOR OVER 10 YEARS.



AN APARTMENT WITH DOOR ACCESS TO THE MAIN  
2<sup>ND</sup> FLOOR SPACE BUT WHEN OCEAN'S SON PETER  
AND HIS FAMILY MOVED I RECALL THEY SEALED OFF  
THE DOORS TO MAKE IT A COMPLETELY SEPERATED  
APARTMENT. THAT WAS OVER 15 YEARS AGO.

THIS IS WHAT MY MEMORY CAN CALL UP.  
I HOPE IT IS USEFUL.

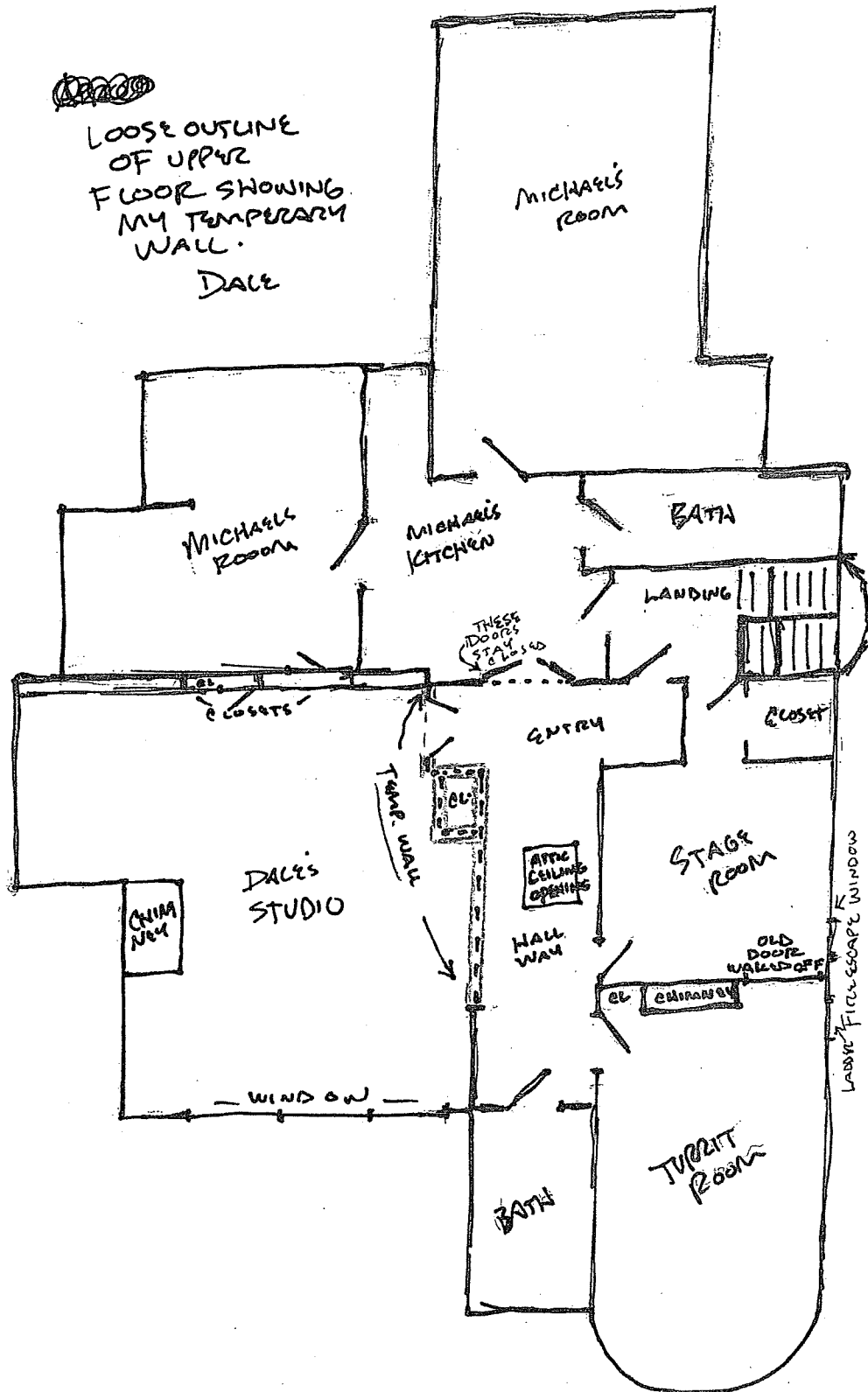
SINCERELY,

DALE RUSPATH

476 SUMMIT AVE.

ST. PAUL, MN. 55102

(651) 224-5586



May 4, 2010

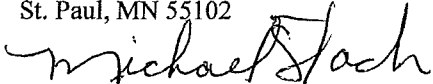
Dear Planning Commission,

I have resided at 476 Summit Avenue since 1991. Initially I rented a single room on the third floor that shared a kitchen and two bathrooms with three other rooms. Since 1993, I have been renting a full apartment on the south side of the third floor. I kept my initial room but added another room and sole use of the kitchen and one bathroom. The remainder of the third floor, consisting of two rooms, a studio and a bathroom became a separate rental unit. I have my own entrance and the door connecting my unit to the north unit is kept locked. Dale Redpath, a third floor tenant before I moved in, continued to rent a room in the north unit after this change. Since 1993 she has lived and worked in the studio.

For several years during the 1990s, I served as caretaker and worked with Tibor on maintenance. I specifically recall the fire inspector expressing approval of the new resident layout on the third floor.

Since 1991, in addition to the third floor being rented, there has been an occupied rental unit on the north side of the basement, one on the second floor, one in the first floor of the carriage house and one on the second floor of the carriage house. Initially the southwest corner of the basement was part of the common space for all tenants and I took advantage of the sauna Tibor had built there. Sometime in the late 1990s, the unit began being regularly rented. I remember a nice guy named Don that was there for quite a while, then a messy young man who stayed a year or less, before the current tenant Rob moved in. He has been there since 2003.

Michael Stack 476 Summit Ave.  
St. Paul, MN 55102

A handwritten signature in cursive script that reads "Michael Stack". The signature is written in dark ink and is positioned below the typed name and address.



Zoning Department  
Saint Paul, MN

May 2, 2010

To Whom It May Concern:

I and my business partner at that time, Pam Gru, had 476 Summit Avenue, Saint Paul, Minnesota listed for sale in 1996. In reviewing my file from that time, the following was noted:

RENTS FOR 476 SUMMIT

Basement apartments: 1 bedroom with fireplace - \$440/month  
Studio apartment with sauna - caretaker's

Second floor: 2 bath, 1+ bedroom apartment with private laundry - \$625/month

Third floor: Art studio - \$550/month  
Bedroom #1 - \$240/month  
Bedroom #2 - \$240/month  
Bedroom #3 - \$240/month  
Bedroom #4 - \$280/month  
The above with 2 full baths and 1 kitchen.

Carriage House: Upper apartment - \$520/month  
Lower apartment - \$575/month

I have attached a scan of those notes from 1996. If there are further questions, please contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Dan Blackstad', is written over a horizontal line.

Dan Blackstad  
Realtor since 1981  
Licensed in Minnesota and Wisconsin  
612-581-2686  
[DAN@historichomesMN.com](mailto:DAN@historichomesMN.com)  
Independent Brokers Realty LLC

**Samantha Langer - Olga Zoltai's non-conforming zoning request**

---

**From:** "Page Cowles" <Page@cowles3.net>  
**To:** <samantha.langer@ci.stpaul.mn.us>, <merritt.clapp-smith@ci.stpaul.mn.us>  
**Date:** 5/20/2010 9:58 AM  
**Subject:** Olga Zoltai's non-conforming zoning request

---

Dear Samantha Langer and Merrit Clapp-Smith:

My name is Page Knudsen Cowles and I am writing as a neighbor to Mrs. Olga Zoltai's house at the corner of Summit Avenue and Lawton. My family and I live at 475 Grand Hill, St. Paul, 55102 and are directly south across the alley from the back of Mrs. Zoltai's house. We have lived in this location since October, 1991, and have been neighbors to the Zoltai's for almost 20 years.

My husband and I are in support of Mrs. Zoltai's application. The current use has not been a problem for us for the entire time we have lived here. Parking has never been an issue, the character of the neighborhood has been sustained as a family oriented, historic gracious community, and the tenants with whom we have interacted have been respectful and in tune with neighborhood values.

We feel completely comfortable having the current use continue under the direction of the new owner, given the agreements we understand are in place.

Please feel free to contact me if you have any questions.

Sincerely,  
Page Knudsen Cowles

---

Page Knudsen Cowles  
475 Grand Hill  
St. Paul, MN 55102  
Home office: 651-221-1969  
Cell phone: 612-810-4372  
Fax: 651-221-1976  
email: page@cowles3.net

Attachment 4  
p. 13 of 15

# RENTS FOR 476 Summit

---

Bmnt. - 1BR FPL. \$440

Bmnt. Studio w/ sauna - cantaker

2<sup>nd</sup> fl. 2ba - 1+BR \$625 [3 balconies]  
laundry included [3 seasonally]

3<sup>rd</sup> fl. [Studio - \$550  
4 BR's - \$240, \$240, \$240, \$280  
1 kit  
2 baths  
~~1 bath~~]

Carriage House Apt. up. \$520 } one person  
Apt. down \$575 } or both

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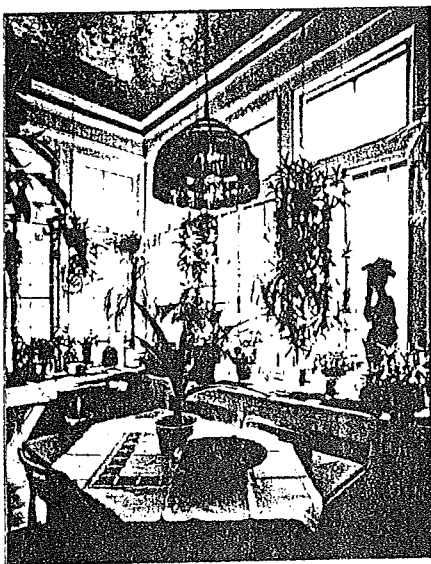
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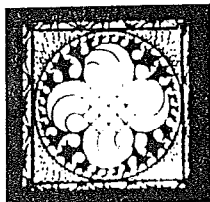
\$140,000 mtg. Capstead

*The  
Chauncey W. Griggs  
Mansion*

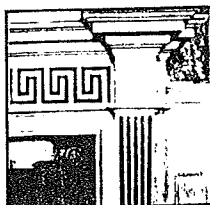
built in 1883  
476 Summit Avenue, Saint Paul,  
Minnesota



1



2



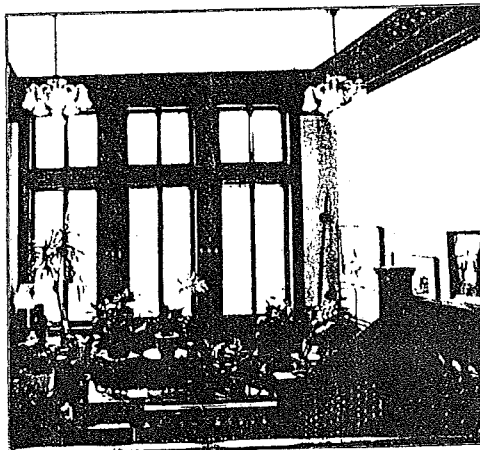
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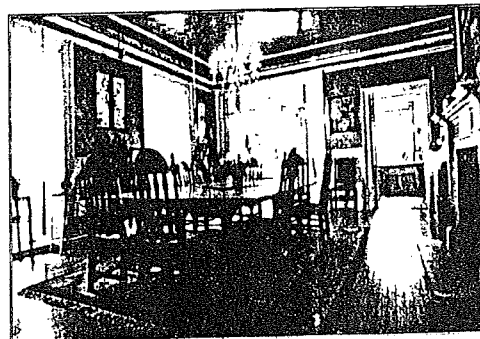
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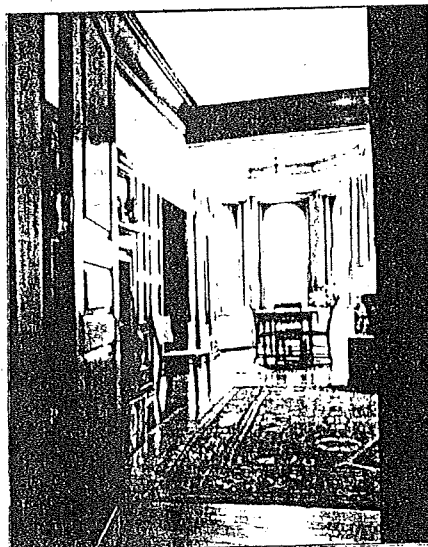
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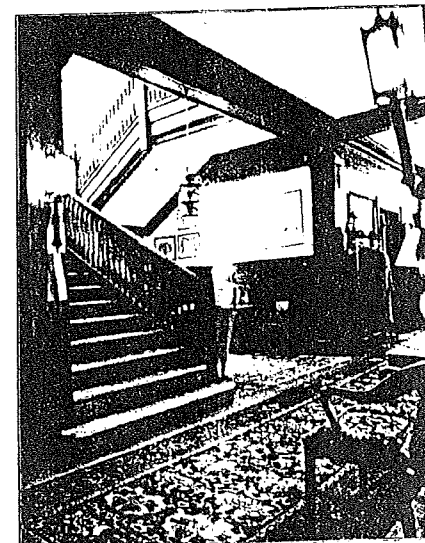
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9



10



11

The  
**Chauncey W. Griggs**  
**Mansion**  
built in 1883

**476 Summit Avenue, Saint Paul, Minnesota:**

Designed by Clarence Howard Johnston (a noted Minnesota architect of the time) in the Romanesque style in 1883, much of the interior was redesigned by a New York interior decorator shortly after 1910. Since the current owners purchased the property in 1982, massive amounts of restoration has been done and the home is currently in excellent condition.

Nine fireplaces, eight or more bedrooms, ten baths, plus a library, study, huge formal dining room, great hall, guest rooms, porches, guest areas, kitchens, solarium, massive art studio, living rooms, two main staircases including a grand staircase, plus other rooms, nooks and crannies occupy the main house. The carriage house includes parking for two cars plus two separate apartments.

LIST PRICE .....	\$750,000
LOT SIZE .....	100 X 191
1996 REAL ESTATE TAXES .....	\$14,581.78
ZONING .....	RT-2 with certificate of occupancy
FOUNDATION SIZE .....	4,652 square feet
FINISHED SQUARE FOOTAGE .....	approximately 12,000 square feet in main house
CURRENT ANNUAL RENTAL INCOME .....	\$44,520

\*INFORMATION DEEMED RELIABLE BUT NOT GUARANTEED\*

For more information, please contact Dan Blackstad at 225-3907 or Pam Gru at 225-3906, Edina Realty, Inc., 1050 Grand Ave., St. Paul, MN 55105

SPECIALISTS IN SALES AND MARKETING OF REAL ESTATE IN HISTORIC NEIGHBORHOODS





Attachment 5 Tiber Zaitai's Original Floor Plan and Document  
Outlining Renovation Work Completed by October 31, 1989

Attachment 5  
p.1 of 18

(Floor Plan p.16-18)

See p.7 for changes on third floor & p.9 for construction enabling  
later addition of efficiency in southwest corner of basement

Rehabilitation of the C. W. Griggs Mansion  
October 31, 1982 - October 31, 1989

General:

- (1) Installed manual and in-line smoke alarm systems,  
Installed manual fire alarms system with 6 boxes and 8 bells  
Installed a doorbell system: one line for basement, 1st and 2nd  
floor, and four lines for 3rd floor,  
Install 13 new [Mon-Ray] storm windows on the first floor,  
Installed 4 lightning rods and 2 groundings,  
Installed 3 exterior illumination light systems,  
Installed air conditioners in mtr bedroom, kitchen, and parlor,  
Swept all 7 chimney flumes.

First Floor:

- (2) Main Hall:
  - Repaired, sanded and refinished main entrance door and installed door viewer,
  - Reinstalled screens for main entrance door,
  - Constructed and installed storm window above main door,
  - Removed "antiquating" paint in the entrance lobby,
  - Installed antique light fixture in the lobby,
  - Installed a light fixture and a switch on the north side of the hall,
  - Installed ceiling fixture in the staircase cove,
  - Installed light fixtures in the east entrance lobby and in adjacent hallway,
  - Stripped and polished grating on east entrance door,
  - Stripped and refinished east entrance door,
  - Installed baseboard outlet by library,
  - Reinforced the railing and repaired the balustrade,
  - Rerouted and hid exposed telephone wiring by staircase cove,
  - Sanded and refinished floor.
- (3) Family room (old library):
  - Installed electricity, switch and light fixture in the cove area,
  - Installed matching light fixtures in the cove and the main part of the room,
  - Repaired, reinstalled, refinished window trimming, wood panels, ceiling mold, book shelves and wain-scoting (received from MMA - Minnesota Museum of Arts),
  - Constructed a built-in desk by the fireplace,
  - Constructed a wall by the fireplace to match the available quality of moldings,
  - Balanced three central double-hung windows,
  - Constructed a "secrete room" over the south door area, with staircase and panel door, opened by hidden push button and solenoid lock, and light with switch,
  - Painted the ceiling and wallpapered the walls,
  - Sanded and refinished floors.

## (4) Study:

- Constructed walnut cover for switch box in shelf,
- Installed new light fixture (moved from blue room),
- Constructed and installed new glass door to library,
- Repaired floor by door,
- Sanded and refinished floor.

## (5) Library:

- Painted the ceiling white,
- Balanced the large, northern, window,
- Retouched garland paint and woodwork finish,
- Installed two doors (received from MMA),
- Installed thermostat controlled blower in fire place,
- Sanded and refinished floor.

## (6) Dining room:

- Removed exposed fluorescent lights over garland,
- Located junction box and installed chandelier and remote control switch (located in the hall),
- Installed two light fixtures to highlight paintings over the fire place and opposite wall,
- Balanced the two large double-hang windows,
- Constructed and installed new glass door to solarium,
- Installed door by hall (received from MMA),
- Installed thermostat controlled blower in fireplace,
- Retouched painting and painted new doors to match the decoration of the room,
- Removed cracked under-floor radiator,
- Repaired damaged ceiling molding,
- Sanded and refinished floor.

## (7) Solarium:

- Repaired damaged wallpaper,
- Installed new ceiling fixtures,
- Replaced cracked window panels and insulated the bottom section of the aluminum storm windows,
- Added three new, wood top storm windows,
- Repainted the room white,
- Constructed new radiator gratings,
- Sanded and refinished floor.

## (8) Kitchen (old butler's pantry):

- Removed odd shaped cabinets on the west wall, poor quality ceiling and wall panels, black asphalt tiles, orange counter top, etc.
- Removed gas pipe located 12 inches from north wall,
- Constructed new suspended ceiling, wain-scoting, sheet-rock wall, and new tile floor,
- Raised cabinets by constructing drawers and installed new counter top,
- Repaired, sanded and refinished all cabinets and cupboards,
- Repaired and rebuffered all brass hardware,
- Rerouted and hid exposed telephone wiring,
- Reinstalled old intercom station (found in old maid's room),
- Installed new light fixture over kitchen table,
- Repaired both swinging doors,
- Repaired, adjusted and refinished door by south lobby,
- Relocated gas range, refrigerator and outlets,
- Rebuilt two windows and installed new storm windows,

- Installed a smoke alarm and mounted a fire extinguisher,
  - # - Constructed an exhaust duct and fan,
  - Constructed a kitchen storage area (separated from old kitchen) with sheet rock walls, exhaust, electric fixture, outlets, and exhaust pipe,
  - Painted all walls and ceilings.
- (9) South entrance lobby:
- Cut and removed two 4" drainage pipes,
  - Constructed new walls, floor and wain-scoting,
  - Scraped refinished and painted doors and trimmings,
  - Installed ceiling light fixture,
  - Moved light switch from old kitchen.
- (10) South porch:
- Replaced rotting support beam and reinforced the deck by two concrete columns with 48" foundation,
  - Removed shingles, insulated and constructed sheetrock wall on the house side of the room,
  - Removed the door of the old milk delivery box and installed shelves,
  - Repaired glass windows and storm door,
  - Installed cane blinds over the large storm windows,
  - Installed ceiling fixture and made an electric outlet,
  - Painted aluminum storm door black
  - Painted and wallpapered.
- (11) Guest room (old kitchen):
- Removed black asphalt tiles, old linoleum and plywood subfloor,
  - Removed old ceiling tiles and badly damaged ceramic wall tiles,
  - Sanded and refinished old fur subfloor,
  - Removed the four old fluorescent light fixtures,
  - Subdivided kitchen storage area,
  - Build new walls and ceilings (over old ceramic wall where appropriate, saving that behind cloth closet),
  - Closed the open passage to bathroom lobby,
  - Installed door to new bathroom (old storage),
  - Repaired main entrance door,
  - Installed two ceiling fixtures, one 2- and one 3-way switch and electric outlets,
  - Constructed bookshelves on the east side and gratings for the radiators,
  - Constructed old style ceiling trimmings,
  - Painted walls and woodwork.
- (12) Bedroom (old storage):
- Removed black asphalt tiles and subfloor,
  - Installed wall-to-wall carpeting,
  - Removed fluorescent light fixture,
  - Installed new ceiling fixture and a second outlet,
  - Painted the walls white.
- (13) New bathroom (old walk-in safe and storage):
- Removed wall between safe and storage closet,
  - Repaired and painted the inside of the old safe door.
  - Installed a door by the guest room,
  - Installed two 2x6" beams to support ceiling previously supported by the dividing wall,
  - Lowered the ceiling to 9 feet,
  - Installed ducts and exhaust fan,

- Removed old wood and asphalt tile floor,
  - Laid down new ceramic floor and marble threshold by guest room and wood threshold by safe door,
  - Constructed a 6 feet high divider between tub and toilet,
  - Installed new ceramic wall,
  - Reinstalled old ceramic tiles on the wall of the toilet,
  - Constructed louver door linen closet, cupboards and a saloon door by toilet area,
  - Installed ceiling and wall light fixtures,
  - Installed 2- and 3-way switches and electric outlets,
  - Installed old mirrored medicine cabinet,
  - Installed 3 hot and 4 cold water lines and drains with ventilation,
  - Painted and wallpapered.
- (14) Storage room (by new bath):
- Removed and walled in old window by back staircase,
  - Installed ceiling light fixture,
  - Constructed storage shelves by new south wall,
  - Repaired the old top-and-bottom door,
  - Plastered and painted the ceiling and the walls,
  - Sanded and refinished floor.
- (15) Coat closet (old corridor):
- Divided area from the old narrow corridor by a wall,
  - Installed light fixture and automatic switch,
  - Installed a light fixture with automatic door switch,
  - Built coat hanger and shelves,
  - Sanded and refinished floor.
- (16) West Entrance hall:
- Dismantled and repaired window frames and sills,
  - Repaired west entrance door, refinished and installed old brass grating (found in the basement),
  - Installed new ceiling and repaired wall,
  - Removed brown asphalt tiles,
  - Constructed a wall and a door before half bath, making it one of two entrances to the first floor of the house,
  - Installed an electric outlet and a switch controlled ceiling fixture,
  - Plastered and painted the ceiling and the walls,
  - Sanded and refinished floor.
- (17) Bathroom lobby:
- Installed ceiling light and switch,
  - Repaired wall and ceiling,
  - Painted walls and woodwork,
  - Sanded and refinished floor,
- (18) Half bath:
- Repaired walls and the window,
  - Installed outlet in light fixture,
  - Painted and wallpapered,

#### Second Floor:

- (19) Main staircase:
- Repaired wall and ceiling on the south-west side of the staircase by the landing area,

- Repaired one arm of the north side chandelier,
  - Installed 3-way remote-control switch for chandeliers,
  - Repaired platform by landing,
  - Converted south window to a door, opening to the top of the portecochere,
  - Sanded and refinished steps, risers, and floors.
- (20) Upstairs hall:
- Retouched the plastering and painting of the walls,
  - Installed trimming on old bathroom door to match the other doors,
  - Installed new ceiling and wall light fixtures,
  - Repainted dark brown woodwork and doors to off-white,
- (21) Bathroom lobby:
- Removed psychic wallpaper,
  - Repaired panel by bathroom plumbing-service opening,
  - Installed smoke alarm and fire extinguisher,
  - Painted walls and woodwork white,
  - Installed a new light fixture.
- (22) Red bathroom:
- Removed psychic wallpaper,
  - Removed combination sink - hot plate - refrigerator,
  - Repaired plaster and ceramic wall,
  - # - Reconstructed opening to toilet plumbing,
  - Installed new ceiling fixture,
  - Installed a large mirror,
  - Installed ceiling mold,
  - Painted and wallpapered.
- (23) Master bedroom:
- Reconstructed badly damaged ceiling and walls with new panels,
  - Installed a door (found in the garage), matching the others, and mounted a mirror on the inside,
  - Installed light fixture and automatic door switch in large closet,
  - Installed coat hanger rod and shelves in small closet,
  - Removed modern wall light fixtures and installed new (antique) wall fixtures,
  - Stripped orange paint from fireplace mantle,
  - Reinstalled old intercom station found in the radiator box of the basement apartment,
  - Repaired book shelves between radiators,
  - Installed new radiator gratings,
  - Install new heart for fireplace,
  - Installed telephone line, connected to the wiring of the old intercom system,
  - Repaired, replastered and painted ceiling and walls.
- (24) Lili's room:
- Removed psychic wallpaper,
  - Closed the 8 feet long and 3 feet deep opening on the guest room side, with sound insulated wall,
  - Repaired ceiling and walls,
  - Stripped blue paint from fireplace mantle,
  - Installed light fixture in closet and electric outlets by radiators,
  - Installed old light fixture (found in bathroom lobby),
  - Painted ceiling and walls.

## (25) Second Master Bedroom:

- Removed psychic wallpaper and light fixture,
- Built a sound-insulated wall between this room and Lili's room
- Constructed clothes closet in the old opening,
- Repaired ceiling and walls,
- Installed new ceiling fixture,
- Reconstructed fireplace and installed a brass frame with glass doors,
- Installed an old wall fixture,
- Installed square wall moldings, matching other rooms,
- Installed a telephone line,
- Repaired old door to bathroom,
- Painted all woodwork, ceiling and walls.

## (26) Old bathroom:

- Removed black asphalt floor tiles,
- Repaired old ceramic floor,
- Connected sink drainage, installed missing toilet bowl and connected to plumbing,
- Reconstructed missing pair of glass wall (using an old storm door insert, found in the garage),
- Constructed and installed new glass door for bathroom,
- Repaired cabinets and ceramic wall,
- Repaired, or replaced, old ceramic towel rods,
- Added trimming to second master bedroom door,
- Constructed hot and cold water lines, drainage, and 110V and 220V outlets for laundry,
- Installed linen cabinet (removed from blue bathroom closet), this was later moved to the basement.
- Repaired ceiling and walls,
- Straightened out crooked frame of door to parlor,
- Installed new ceiling light fixture,
- Sanded and refinished oak floor,
- Painted all woodwork, ceiling and walls.

## (27) Blue parlor:

- Removed excess wall trimming and thick paper inlays,
- Patched missing sections of the ceiling and the walls,
- Installed electric outlets,
- Built screen door and damper control for fireplace,
- Repaired marble fireplace mantle,
- Constructed wooden frame around radiators and added gratings,
- Sanded and refinished floor.
- Painted all woodwork, ceiling and walls.

## (28) Sleeping porch:

- Replaced damaged floor support beams,
- Constructed new subfloor,
- Installed linoleum floor,
- Straightened out and reinforced sagging ceiling beam with a 2x6 beam,
- Removed shingles on west side,
- Constructed and insulated new plaster board wall,
- Installed a new light fixture and a new outlet,
- Constructed hidden gutter by edge of roof (the leak could not be located and fixed),
- Extended ceiling to east wall,
- Replaced badly damaged wooden wall panels,

- Repaired doors to balcony and to parlor,
- Painted all woodwork, ceiling and walls.
- (32) South Balcony
  - Repaired balcony floor,
  - Installed outdoor carpet and wrought iron railing,
  - Painted all woodwork.
- (33) Marble bathroom:
  - Installed a new sheetrock ceiling,
  - Repaired walls,
  - Installed electric outlet and switch,
  - Repaired door,
  - Painted all woodwork and wallpapered.
- (34) Storage closets:
  - Removed wall between linen closet and back staircase storage room,
  - Constructed a plastered open doorway between the two storage rooms,
  - Moved light switch from staircase side to inside,
  - Constructed a new ceiling and replastered walls,
  - Repaired window and window casing,
  - Painted all woodwork, ceiling and walls,
  - Sanded and refinished the floor.
- (35) Back staircase:
  - Repaired walls,
  - Installed light fixtures,
  - Stripped and refinished all woodwork (doors, wain-scoting),
  - Painted the ceiling and the walls,
  - Sanded and refinished steps, risers, and floors.

### Third Floor:

- (36) Landing area:
  - Installed light fixtures,
  - Repaired and painted walls,
  - Sanded and refinished floor,
- (37) West bedroom:
  - Moved entrance door of the west bedroom closer to the closet and moved the wall to create a new entrance to the studio,
  - Installed missing trimming and baseboard,
  - Installed closet light,
  - Installed a deadbolt lock,
  - Repaired ceiling and walls,
  - Painted all woodwork, ceiling, and wallpapered.
- North bedroom
  - Repaired door and install a deadbolt lock,
  - Repaired electric switches and added missing plate,
  - Installed deadbolt lock,
  - Repaired and painted window trimmings,
  - Repaired north-east window frame and baseboards.
- (39) North bathroom:
  - Repaired door and installed door knob,
  - Repaired outlets and switch box, and added missing cover plates,
  - Installed bath tub spout and shower head,

Item #37+40  
were major  
repairs/changes  
during Zeiter  
ownership. An  
additional,  
non-permanent  
wall on the  
west side of  
studio was  
added in #  
1993.

- Installed deadbolt lock,
- Repaired walls and wallpapered,
- Installed black rubber base,
- Painted all woodwork, ceiling and walls.

## (40) Studio:

- Built new entrance area and door,
- Installed a light fixture and switch,
- Removed kitchen from north-east area,
- Constructed vanity and installed sink by sky-light,
- Replaced 128 broken plates and reputed all glasses in northern skylight,
- Built a third layer of plastic window inside the sky-light,
- Constructed a fold-up ladder to attic hatch, (Later replaced it by an old library ladder)
- Installed ceiling fan with wall-mount control switch,
- Installed new fluorescent light fixtures,
- Sanded and refinished floor,
- Painted all woodwork and walls and touched up ceiling.

## (41) Kitchen (old studio entrance):

- Repaired ceiling and walls,
- Installed 220V outlet for range,
- Constructed second ceiling box, electric outlets, switches, and two new ceiling fixtures,
- Constructed hot and cold water lines and drainage,
- Installed kitchen sink,
- Relocated cabinets and cupboards,
- Cut up old blue formica counter top

to provide counter tops and a folding table,

- Installed ceiling molds,
- Installed an exhaust pipe and fan,
- Built wall and glass door by staircase,
- Relocated kitchen light switch by new door,
- Installed baseboards along new wall and places where it was missing,
- Installed smoke alarm and mounted a fire extinguisher,
- Painted all woodwork, ceiling and wallpapered,
- Sanded and refinished floor.

## (42) East bedroom:

- Repaired the plastering the ceiling and walls,
- Installed a deadbolt lock,
- Installed new outside extension sills, with sheet metal cover, for south window,
- Painted all woodwork, ceiling and walls.

## (43) South bedroom:

- Repaired windows and installed storm windows,
  - Repaired leak and constructed false ceiling by toilet.
- #
- Installed two combination aluminum storm windows;
  - Installed a deadbolt lock,
  - Painted all woodwork, ceiling and walls.

## (44) South bathroom:

- Repaired ceiling and walls,
- Repaired ceramic wall in the bathtub,
- Replaced missing ceramic base tiles,
- Built broom closet with louver door,



- Replaced missing window trimmings,
- Lowered ceiling bay toilet,
- Repaired lavatory light fixture,
- Painted all woodwork and ceiling, and wallpapered.

#### Back staircase

- (45) - Repaired and stripped all woodwork,  
 - Rebuilt frame of the large window by 3rd floor landing,  
 - Repaired plastering,  
 - Sanded and refinished steps and floor,  
 - Stained and coated all wood with polyurethane.

#### Basement:

- (46) Base of staircase:
- Installed new ceiling and sheetrock wall,
  - Installed new light fixture and a 3-way switch,
  - Repaired wain-scoting and installed base boards,
  - Repaired and painted steps, installed new step treads,
  - Painted all woodwork and ceiling, and wallpapered.
- (47) Lobby:
- Repaired ceiling, walls and floor,
  - Repaired one storage closet door and added new door for the other,
  - Constructed a louver door by the bottom of the steps,
  - Installed vinyl tile floor covering,
  - Painted all woodwork and ceiling, and wallpapered.
- (48) Billiard room (old laundry):
- Removed egg-carton ceiling, laundry sink and old, dilapidated equipment, and other fixtures,
  - Constructed three sets of hot and cold water lines and four drains,
  - Constructed a bathroom with toilet, lavatory, shower, stall, medicine cabinet, lights, switches and a sliding door,
  - Constructed a kitchenette with sink, cabinets and cupboards,
  - Installed combination sink-hot plate-refrigerator (removed from red bathroom),
  - Installed an exhaust system for bathroom and kitchenette,
  - Constructed wall between sauna and kitchenette,
  - Closed corridor door and window,
  - Constructed new ceiling, and cover for heating pipes,
  - Plastered and waterproofed outside walls,
  - Installed a one-room (in line) gas heater,
  - Constructed a 220V line for the sauna,
  - Constructed a cedar wall wet-sauna,
  - Installed vinyl floor covering in bathroom and kitchenette,
  - Installed wall-to-wall rubber-based carpet in billiard room and bathroom-sauna corridor,
  - Installed wain-scoting in the billiard room,
  - Painted walls, ceiling and woodwork.
- (49) Corridor:
- Removed plywood wall by old furnace location,

While called  
a 'billiard room'  
in the 1980s when  
construction work  
was completed,  
it began being  
consistently rented  
as an efficiency  
apartment in the  
mid-1990s.

- Installed matching shelves by closed billiard room door, and north of the west wall entrance door,
- Repaired, rearranged and extended fluorescent light fixtures
- Constructed a bicycle rack at end of corridor,
- Repaired and weatherproofed south entrance door,
- Constructed 4 inches high concrete threshold, a water trap, by the entrance area and by the furnace room,
- Installed a valve in the main water line leading to the carriage house,
- Moved exterior water faucet to better location,
- Installed two low watt lights at the two ends of the corridor,
- Installed lights and switches at north end and at basement apartment door,
- Installed vinyl floor covering with white inlaid shuffle board pattern,
- Painted all woodwork and walls.

## (50) Laundry:

- Removed old dilapidated room ceiling and walls,
- Constructed wall and door between the new laundry and the emergency guest room,
- Constructed gas and water lines, and electric outlets in the laundry,
- Relocated laundry and equipment, from billiard room,
- Installed tile floor under laundry equipment,
- Repaired ceiling and walls,
- Installed ceiling light, switch, and outlets,
- Painted all woodwork, ceiling, walls, and wallpapered.

## (51) Guest room:

- Removed partitioning by unfinished shower stall,
- Installed a light switch,
- Replaced fluorescent lights by sunken albeit fixtures,
- Replaced hanging ceiling by new plates,
- Repaired windows,
- Painted all woodwork, ceiling and walls.

## (52) Ping-pong room:

- Removed shelves from south end (relocated it in kitchen storage room)
- Installed light over water meter area,
- Installed old door found in storage),
- Installed new main water valve as per city's request,
- Repaired ceiling and walls,
- Repaired concrete floor,
- Installed a stall board complex by south west end,
- Installed workbench by shop door,
- Installed composite carpet,
- Painted all woodwork, ceiling and walls.

## (53) Shop:

- Removed old 1,000 gallon oil tan (done by a professional welder, and resulted in fire),
- Repaired ceiling, walls and floor,
- Installed fluorescent ceiling lights, electric outlets,
- Constructed work bench on concrete block stand,
- Constructed wall and door by corridor,
- Installed cold water and drainage,
- Installed old laundry sink,

- Installed heavy duty fan in old coal chute with insulated winter cover plate,
- Installed pegboard tool racks,
- Constructed formica work bench and shelves,
- Constructed drill-press and band-saw stands,
- Carpeted part of the shop,
- Painted all woodwork, ceiling and walls.

(54) Furnace room:

- Removed old furnace,
- Relocated new furnace in place of the old and built a two-hour fire retardant ceiling and walls around the furnace,
- Constructed metal covered door,
- Constructed double-screened air window on the shop side wall,
- Installed a ceiling light fixtures, outlets and switch,
- Installed high temperature alarm,
- Painted all woodwork, ceiling and walls.

(55) Storage room:

- Reinstalled door,
- Installed a light switch,
- Cleaned up and converted to wood storage.

Basement apartment:

(56) Stairs:

- Sanded and refinished steps and risers,
- Painted all woodwork, ceiling and walls.

(57) Entrance:

- Repaired ceiling and walls,
- Painted all woodwork, ceiling and walls,
- Carpeted,
- Installed light in corner by corridor.

(58) Bedroom (old storage room):

- Opened wall between old storage room and the adjacent small storage room,
- Uncovered small window for ventilation, and installed storm window,
- Opened area under the stairs for closet, and installed accordion door,
- Repaired foundation walls and added a new sheetrock wall, plastered, sanded and painted walls and ceilings,
- Installed a light fixture, a switch and an outlet,
- Reversed opening of the small storage room door for emergency exit,
- Carpeted.

(59) Bathroom:

- Repaired ceiling and wall,
- Installed a new concrete floor,
- Installed ceramic floor and wall tiles,
- Installed medicine cabinet and shelves,
- Wallpapered above the wall tiles.

(50) Kitchen:

- Repaired cabinets and cabinet doors,
- Installed new cupboards,
- Replaced old water pipes from wall to kitchen sink,

- Installed vinyl floor covering,
- Installed smoke alarms and fire extinguishers,
- Painted all woodwork, ceiling and walls.

## (61) Living room:

- Installed a fan and built a cover over the heating pipes,
- Installed a switch controlled fluorescent light fixture and an outlet in the heating pipe cover,
- Repaired wall around the large window,
- Repaired damaged parts of wall,
- Installed hardwood window shelf,
- Installed tall bookshelves received from MMA, which were not used in family room (old library).
- Switched the sides of the corridor door,
- Installed two electric outlets and a light fixture,
- Painted walls and ceiling, and refinished all woodwork.
- Carpeted the whole room,
- # - Built a large closet behind the large, sealed corridor door.

## Exterior:

## (62) Entrances:

- Installed handrails by west, south and east patios,
- Installed bell system of six lines for the six residents at the west entrance,
- Built a 4 inch high concrete step outside the basement entrance to stop rain water from going in basement,
- Relocated garden hose faucet by basement entrance.
- Installed reflectors and motion-sensitive light switch on the corner of the carriage house by the south entrance,
- Installed a motion sensitive switch for the main entrance lights.
- Installed photo-cell and timer controlled reflectors in the front and the two sides of the building,
- Added deadbolts.

## (63) Front walk:

- Replaced old cement blocks by new concrete walk, with an electric and water pipe underneath,
- Cover walkway with red tiles,
- Installed automatic sprinkler system for front yard lawn.

## (64) Windows:

- Installed iron gratings for billiard room and large basement apartment window,
- Replaced a large number of broken or cracked window glasses,
- Installed new combination storm for kitchen windows,
- Repaired and installed several dozen storm windows.

## (65) Roof and chimneys:

- Constructed and installed 10 ft. brass flagpole on main tower,
- Repaired the roof: over the porch; by the south window of the attic terraces; and on the south side of the tower,
- # - Extended diversion board to south on the west side of the roof.

## (66) Gutters, down spouts and cistern:

- Repaired gutters and down spouts by south and south-east section of the house,
- Rerouted horizontal section of down spout by west

- Disconnected rainleaders from sewer system, except 3 feeding the cistern,
  - Repaired concrete casing of the cistern cover,
  - Installed a submerged pump and faucet to use cistern water for watering the lawn,
  - Built a 4 inch high concrete step outside the basement entrance.
- (67) Shingle walls:
- Repaired all shingles on the south side,
  - Insulated shingle walls on the south and west sides, and around the bay window and former windows,
  - Painted all shingles to match the color of the stone.
- (68) Woodwork:
- Repaired major damages in exterior woodwork,
  - Painted all exterior woodwork.
- (69) Stone walls:
- Tack pointed all major problem areas on all side of the stone wall,
  - Cleaned black streak on north-west wall of the main tower.
- (70) Portecochere:
- Dug out old foundation,
  - Widened driveway beyond Portecochere,
  - Rebuilt portecochere wall, using stones from south-east boundary line pile,
  - Erected four 4" pipe supports for roof,
  - Constructed roof with 2x10 beams,
  - Extended roof to include valley between the two staircase towers,
  - Covered edges of the roof with reshaped sheet metal strips,
  - Covered top with tared, heavy gage roofing material,
  - Installed light fixture and an outlet,
  - Duplicated old molding around the edge of the roof,
  - Cast column capitals and bases around the four supporting 4" pipes and one supporting the arch,
  - Sanded and finished the ceiling boards with light stain and polyurethane,
  - Sanded and painted all other woodwork.
- (71) North Patio:
- Removed old red tiles,
  - Installed new red tile floor,
  - Installed two outdoor outlets on each side the steps,
  - Installed new light fixtures by main entrance,
  - Erected three stone columns, using stones from east boundary pile,
  - Built balustrade and railing,
- #
- Constructed a red stone (mortar) medieval warrior statue in full armor and mounted on wall side column,
  - Installed cast spheres on top of stone columns,
  - Sanded and painted all woodwork.
- (72) East Patio:
- Installed switch controlled outlets,
  - Repaired wall by large window and other places,
  - Constructed new red tile floor,
  - Rebuilt threshold by east entrance.
- (73) Landscaping:

- Installed photocell and timer controlled flood lights on north, east and west sides,
- Relocated stone step by front sidewalk and road bed,
- Widened driveway beyond portecochere on both sides,
- Planted bushes along west boundary,
- Trimmed first 4 feet of front evergreen trees,
- Constructed brick risers along flower beds,
- Laid down sod in front, west and south sides,
- Replaced honeysuckle bushes and planted rose bushes,
- Improved flower garden on west side and back yard.

#### Carriage house:

##### (74) Garage:

- Built a floor to ceiling [airtight] wall between the garage and furnace room, and first floor apartment,
- Built a door between the garage and the furnace room,
- Installed a light fixture with photo-electric cell in archway,
- Installed a reflector in front of the garage door with a motion-sensitive control,
- Reinforced the vertical frame, repaired the hinges of the garage door, and added steel rollers,
- Installed large shelves along the east wall,
- Reopened the two archway windows, installed missing glass plates and built inside storm windows,
- # - Reconstructed and insulated the other two windows,
- # - Repaired and painted walls and ceiling,
- Installed electric substation for the garage circuits,
- Changed the location of the main switch from the west wall to near the door,
- Painted woodwork in archway and overhang,
- # - Repaired and reinstalled old electric garage door with automatic door opener.

##### (75) Furnace room:

- Installed light switch,
- Installed fireproof (asbestos) wall next to the furnace wall,
- Installed a cold-water sink in the furnace room,
- Installed a high-temperature alarm.

##### (76) First floor apartment:

- Installed iron gratings on three east-side windows,
- Removed section of wall between living room and corridor in order to make the living room larger,
- Installed leaded glass door between living room and bedroom,
- Installed doors between bedroom and bathroom, and bathroom and corridor,
- Built a large closet next to the furnace area,
- Fixed the floor and installed baseboard trimming,
- Installed wooden grid over corridor,
- Installed outlets and switches,
- Plastered cracks between the walls and the ceiling,
- Extended counter top space in the kitchen,
- Installed smoke alarm and fire extinguisher.

##### (77) Second floor apartment:

- Installed carpet-holding bars on the steps,

- Installed hot water line valve in lavatory, and both hot and cold water valves in the kitchen,
  - Installed hot and cold faucets in the kitchen,
  - Added insulation around dormer windows,
  - Installed smoke alarm and fire extinguisher.
- (78) Roof:
- Repaired roof by garage and between dormer windows,
  - Repaired old cupola and added new siding,
  - Replaced old roof covering and installed plywood and new tiles over the whole building.
- (79) Gutters and rainleaders:
- Installed gutter and down spouts on east and south sides, and over 1st floor apartment entrance.
- (80) Exterior:
- Repaired several bricks and replaced some mortar.
  - Repaired and painted all aluminum storm windows,
  - Repaired stucco on north side,
  - Painted all wood, gutters and down-spouts and stucco,
- (81) Alley entrance to 1st floor apartment:
- Constructed new steps and a larger deck,
  - Installed protective 4" pipes at corners of deck.
- (82) Patio between main and carriage houses:
- Constructed an 8 feet high redwood fence between the two garage door south porch,
- #
- Installed a roof over the steps by the south entrance,
  - Installed new roof cover on basement entrance shack,
  - Built an insulated redwood wall in front of the old garage door,
  - Laid red tile surface on the patio between the two houses,
  - Connected the two houses with a 25 wire cable, for fire alarm and future communication lines,
  - Installed an outdoor light, a switch and an outlet,
- (83) Back yard:
- Widened concrete walk by wood-burning kiln,
  - Built redwood fencing on the east and south sides,
  - Built three redwood doors on the east and south sides,
  - Built steps by south door,
  - Laid red tile surface on all walkways in the backyard,
  - Extended kiln with a brick and concrete toy shed,
  - Removed old wild apple and pine trees and sodded the back yard,
  - Constructed a carved stone bench by black walnut tree.

#### History:

- Collected old photographs, newspaper clippings and biographies of former owners,
- Prepared a 4 page and a 36 page illustrated booklet on the history of the house.

# Indicates projects not finished within the first SIX years, that is, before October 31, 1989.

# Tiber's Floor Plan Drawings From ~~1980's~~ 1980's

## C.W. Griggs Mansion

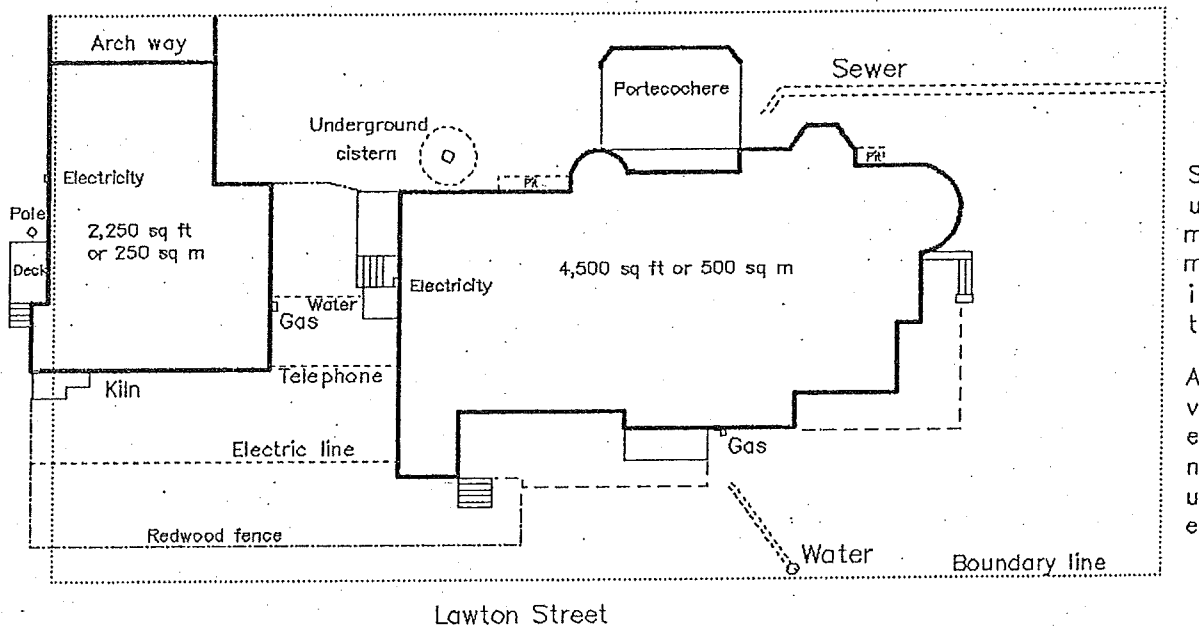
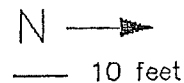
476 Summit Avenue

Saint Paul, MN 55102

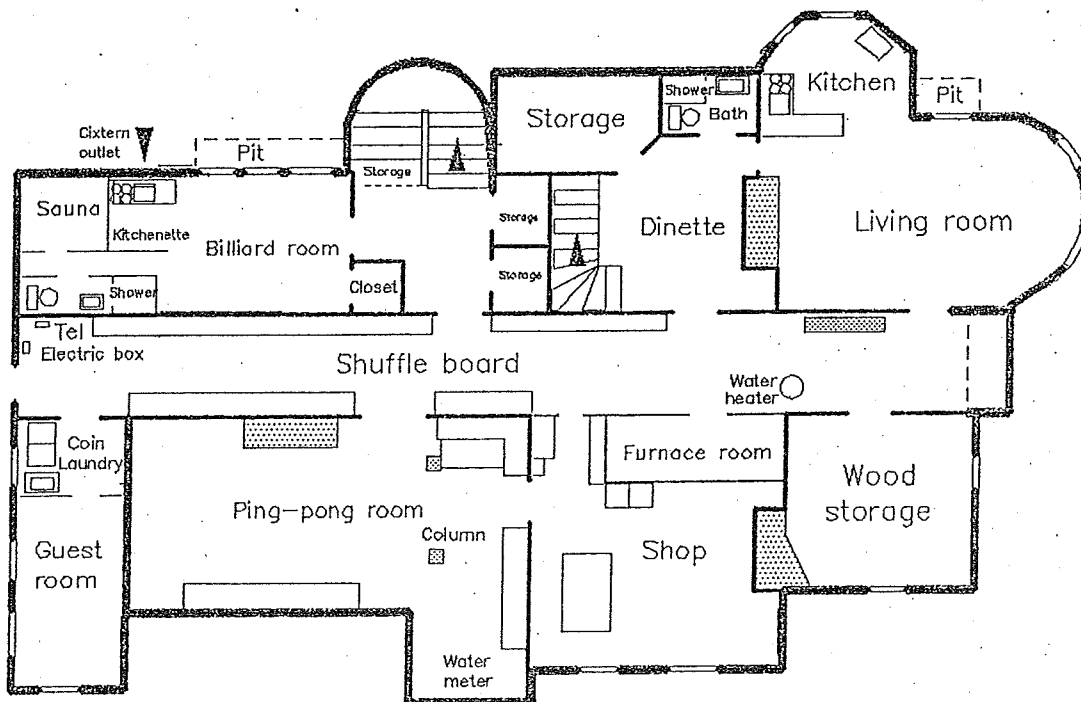
Built in 1882-1883

Terrace Park Addition  
Block 2  
Lots 1 and 2  
Section 1  
Township 28  
Range 23  
Ramsey County  
Alley deck area vacated in 1986

P L O T

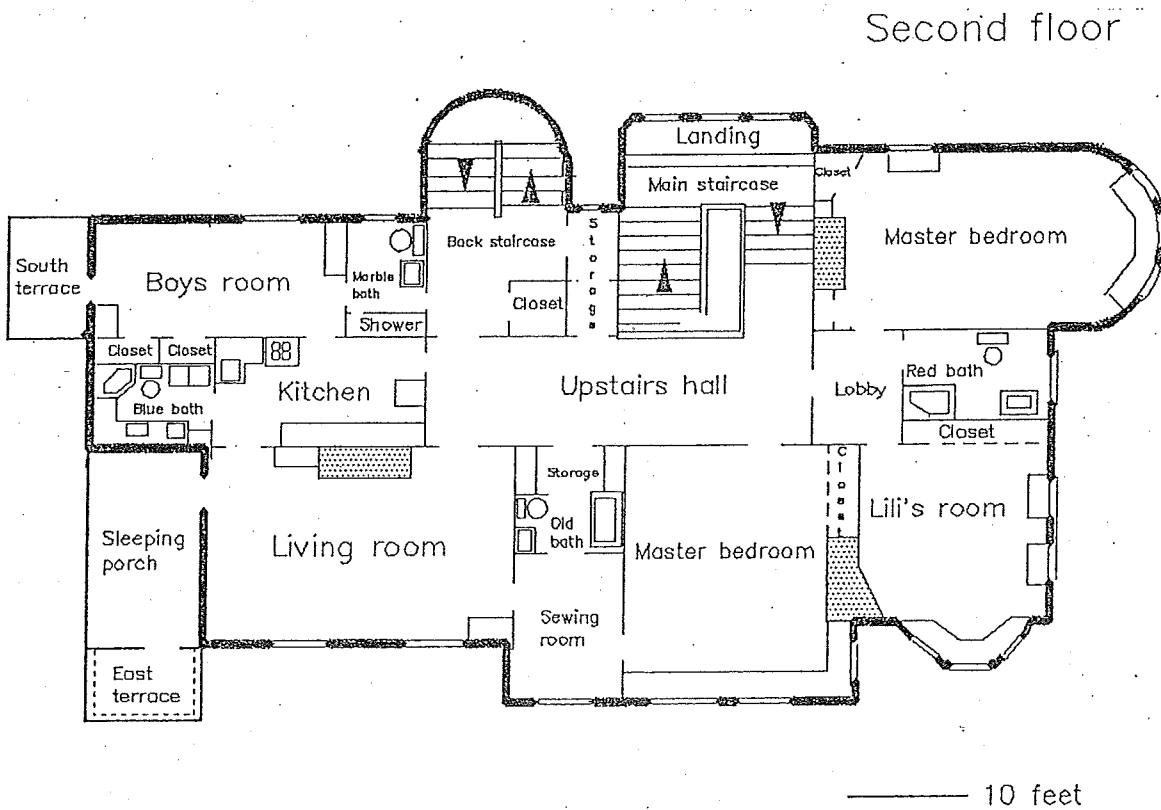
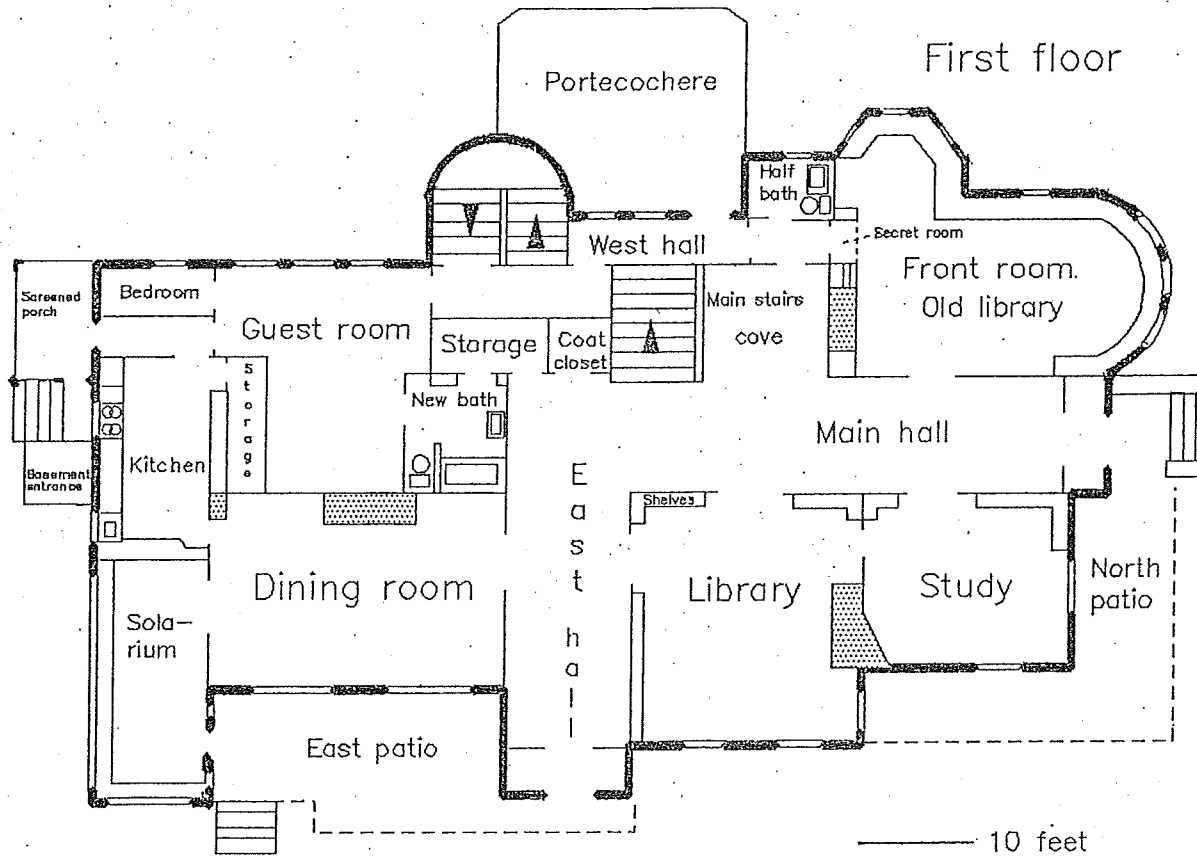


## Basement

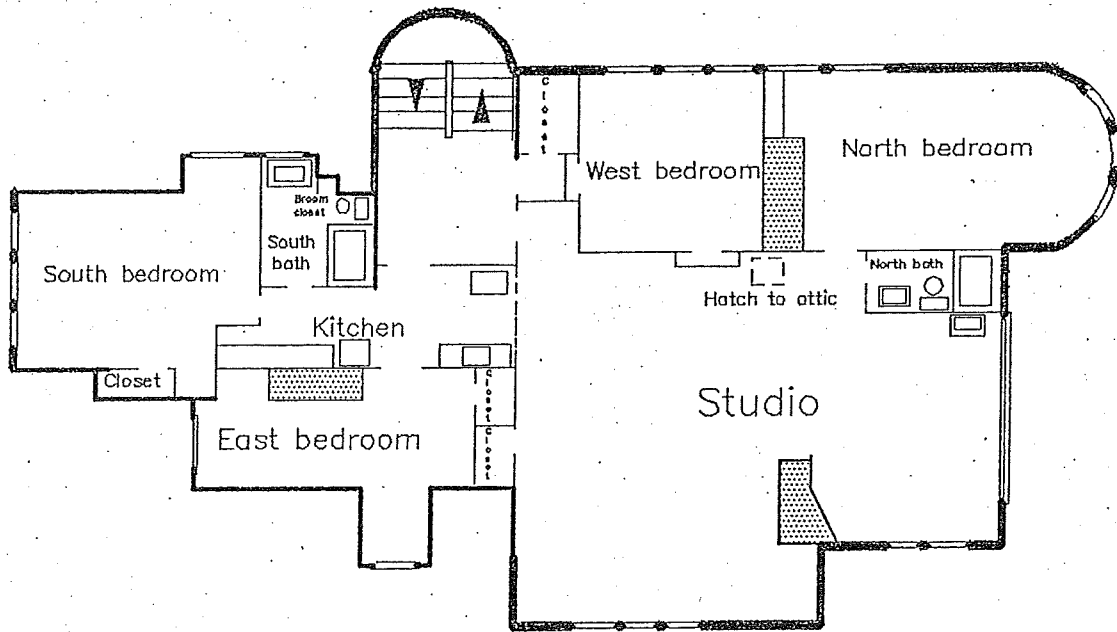


10 feet



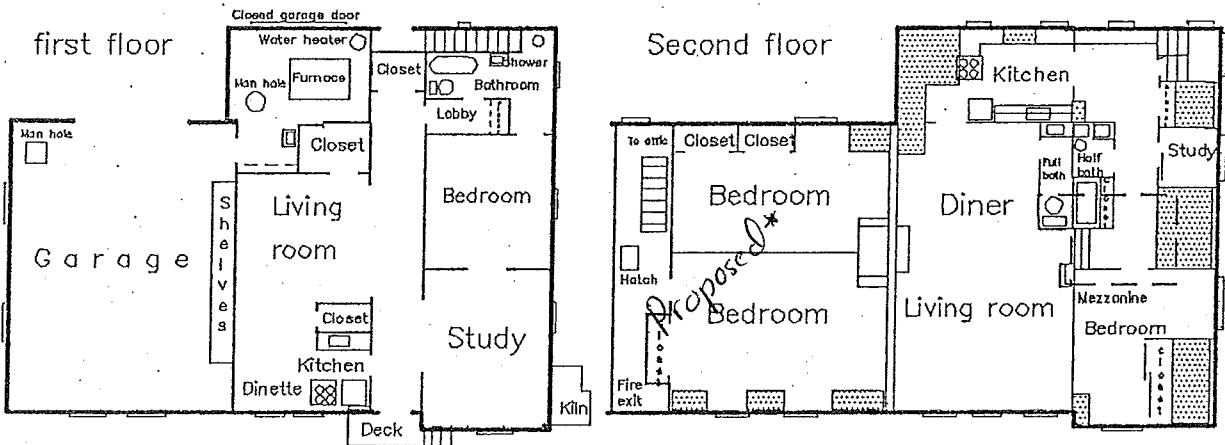


### Third floor



10 feet

### Carriage house



10 feet

Prepared to.  
\* Applied for building  
permit in 1987 but  
did not proceed with  
work. Remains storage  
space to this day

## Attachment 6: Letter from Buyer Outlining Situation and Plans



Dear Sir/Madam; City of St Paul Zoning Department:

We would like to present our appreciation to you for finding the time and putting the efforts to review our present and future plans for the historical property located at 476 Summit Ave, St Paul, MN 55102.

Since we are currently in the process of buying the above mentioned property from the Current owner; Olga Zoltai, we are asking your permission to allow us to express our present and future proposed use of the property as we envision it after the final sale takes place on July, 15<sup>th</sup>, 2010.

First, we would like to give you a brief idea of our ongoing sale contract with the current owner since it relates directly to the current use of the property for the next few years. The contract is a five-year, contract-for-deed type that has a monthly, yearly and final balloon payment that pays off the whole purchase price over a five year period. We and the current seller had no choice to draft such a contract-for-deed agreement due to the current economical/banking instability and stringent requirement that is almost making it impossible to acquire a commercial loan for such a unique property. The contract financial liability for the new buyers will essentially requires us to continue the use of the property as an 8-plex (six units in the main building and two in the carriage house). The rent revenue from the currently rented seven (7) apartments will be an essential, corner-stone income for us to be able to pay off the contract-for-deed payments promptly. Also, per our sale contract, we are not allowed during the duration for the contract to make any major consolidation of units or major remodeling to the property that might affect and risk its value before completely paying off its total contract. Additionally, we are thinking of finishing the available storage space located in the carriage house after issuing the proper permits and plan reviews from the City of St. Paul and Heritage Preservation Commission. We have attached a rough proposed plan for the future expansion in the carriage house.

In our future vision of the property use, we are having a plan to converting the main building into two (2) four-story townhomes or four (4) two-story townhomes depending on the future direction that the neighborhood is taking. We are planning to convert the Carriage house into a single family residence. We are very highly attracted to the Duplex idea for the main building since it will restore its interior historical common areas (for example, main stair cases, hallways...etc.) to be included within the two large four-story townhomes rather than being converted into a common space; this conversion will be similar to that one took place on 322-324 Summit Ave. But that plan depends majorly on the direction the neighborhood will be taking five years from now. Summit Ave mansions have either been converted into large exquisite townhomes or converted into very small multiple condos. Either ways, the property in the future will be reduced from the appealed-current use as an 8-plex to either 3-plex or 5-plex. We have attached a rough plan for our proposed two four-story townhomes which we are more motivated to execute in the future. We have also attached rough plans of converting the mansion into four (4) smaller townhomes. Once either conversion takes place, the carriage house will be converted into a large single family residence with most likely a separate PID or as the City approves/recommends. Again thank you for finding the time to take care of such a matter. Please don't hesitate to call or e-mail us for any questions/clarifications.

Best regards,

 05/02/2010

Mohamed Elkhateeb, P.E.

President & CEO: Innovative Engineering Services, INC.

Owner: Finer Housing, LLC

Office: (612) 3535-4036 FAX: (612) 353-4092 Cell: (612) 910-7799 e-mail: melkhateeb@iesinc-us.com

Plan #1

# "Duplex" Plan of main + Single Family Carriage House

476 Summit Floor Plan updated April 2010 from original prepared in early 1980's

C.W. Griggs Mansion

476 Summit Avenue

Saint Paul, MN 55102

Built in 1882-1883

Terrace Park Addition

Block 2

Lots 1 and 2

Section 1

Township 28

Range 23

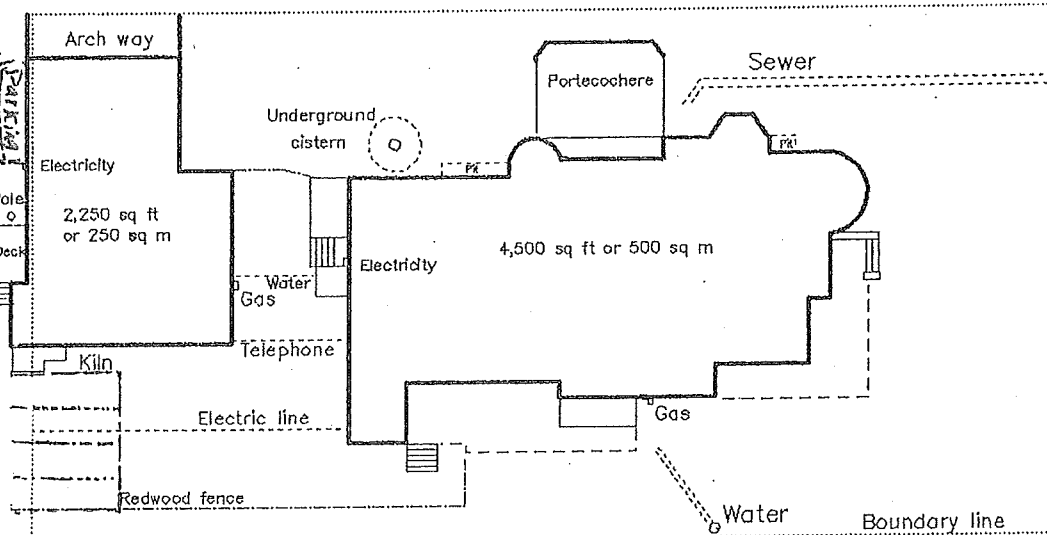
Ramsey County

Alley deck area vacated in 1986

P L O T

N →

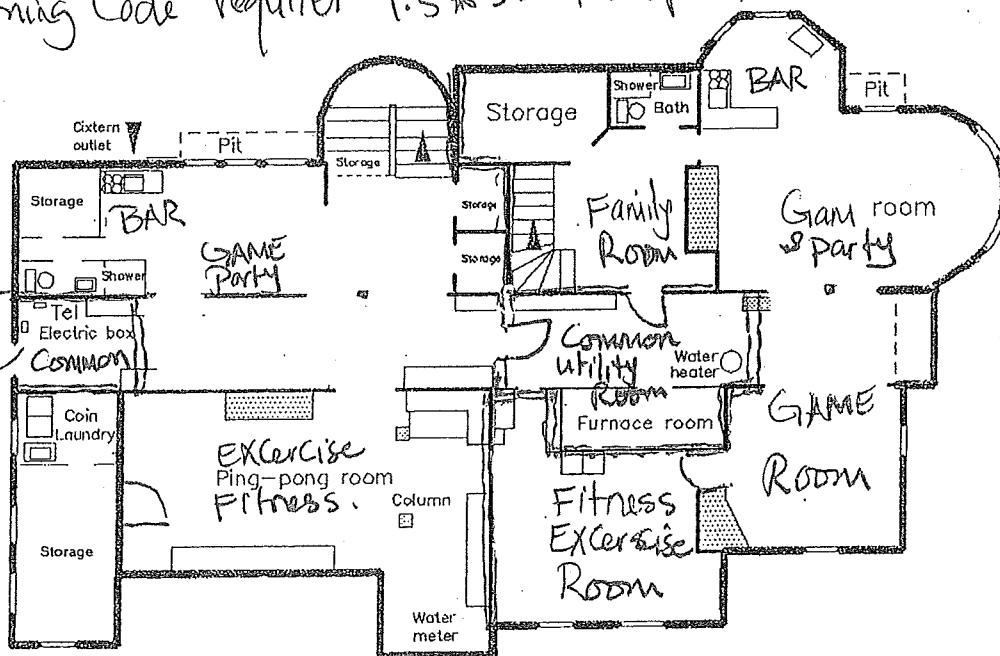
10 feet



Lawton Street

(5) off-street parking + (3) Parking Garage = "8" Total  
 (\* Zoning Code requires  $1.5 \times 3 = 4.5$  spds.)

Basement



unit #2 ← → unit #1

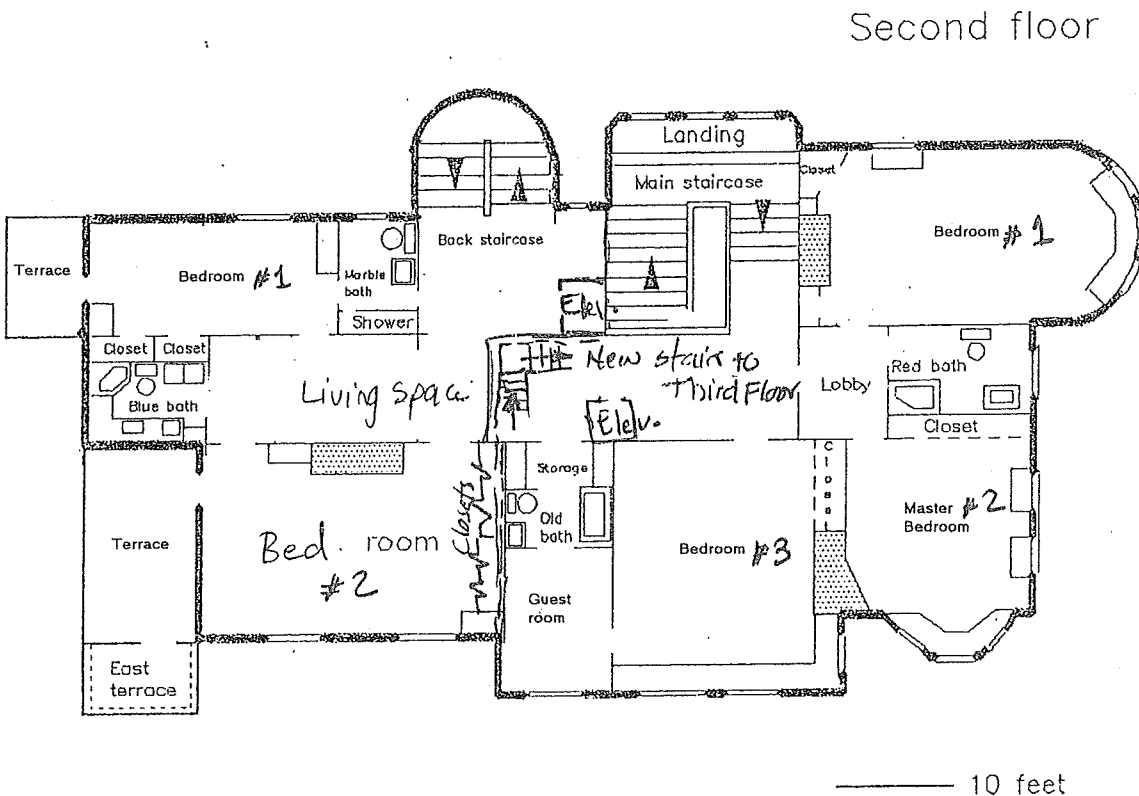
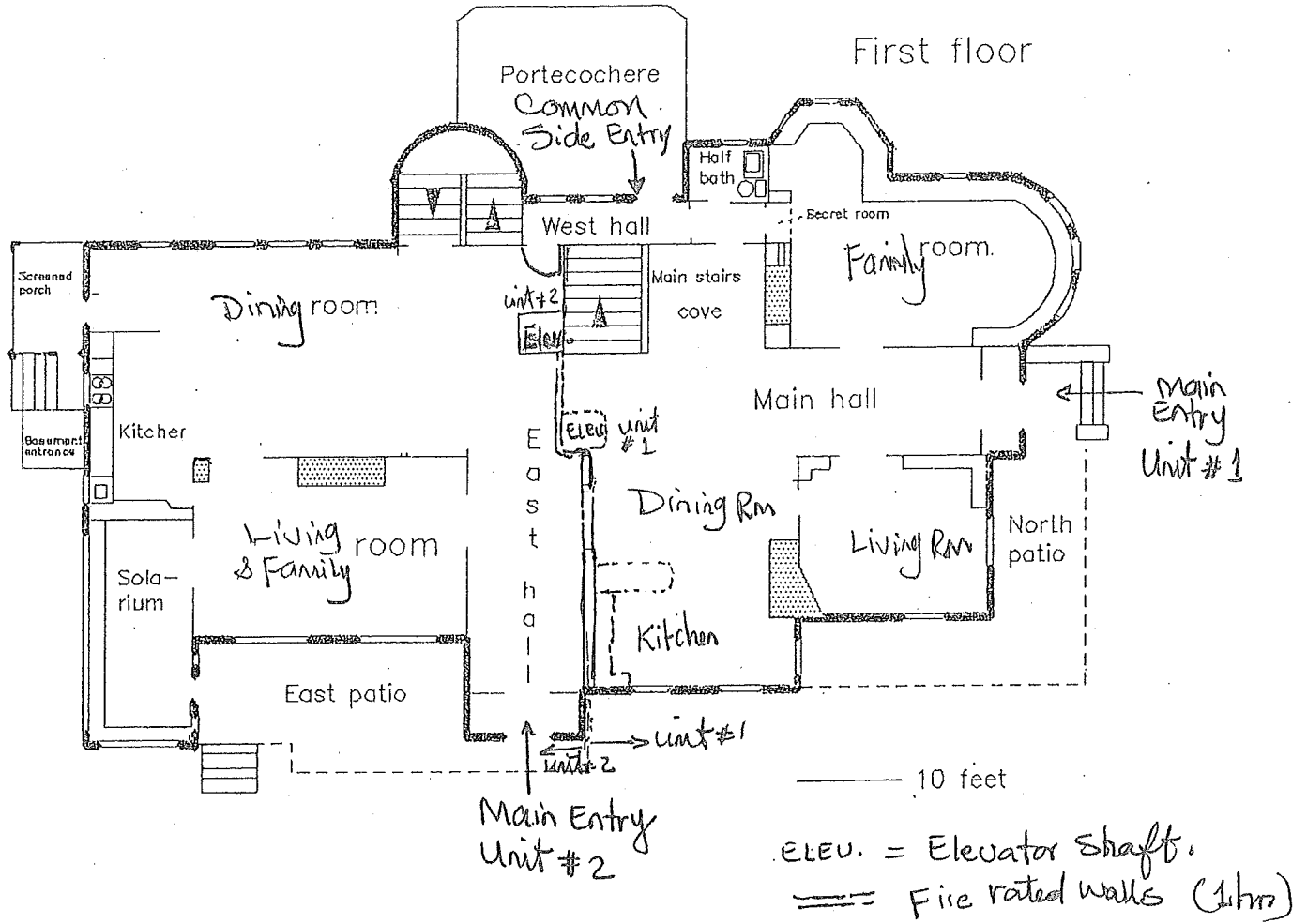
10 feet

or  
 Electrical  
 Panel to  
 be relocated  
 to exterior.

Plan # 1  
1

# "Duplex" plan of main + Single Family Carriage house

476 Summit Floor Plan updated April 2010 from original prepared in early 1980's



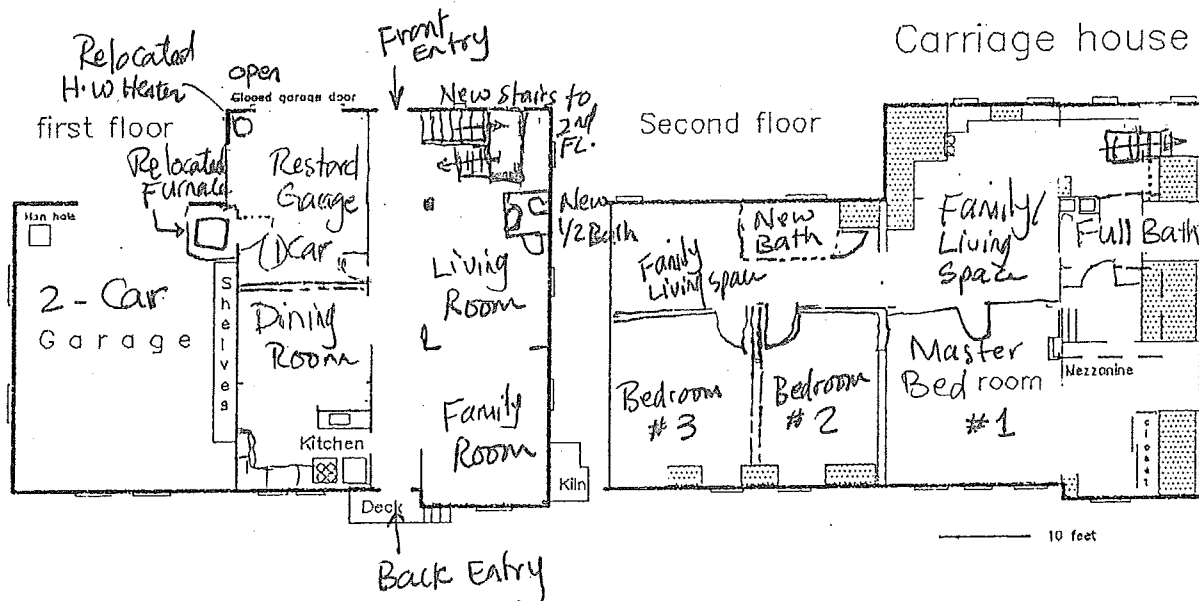
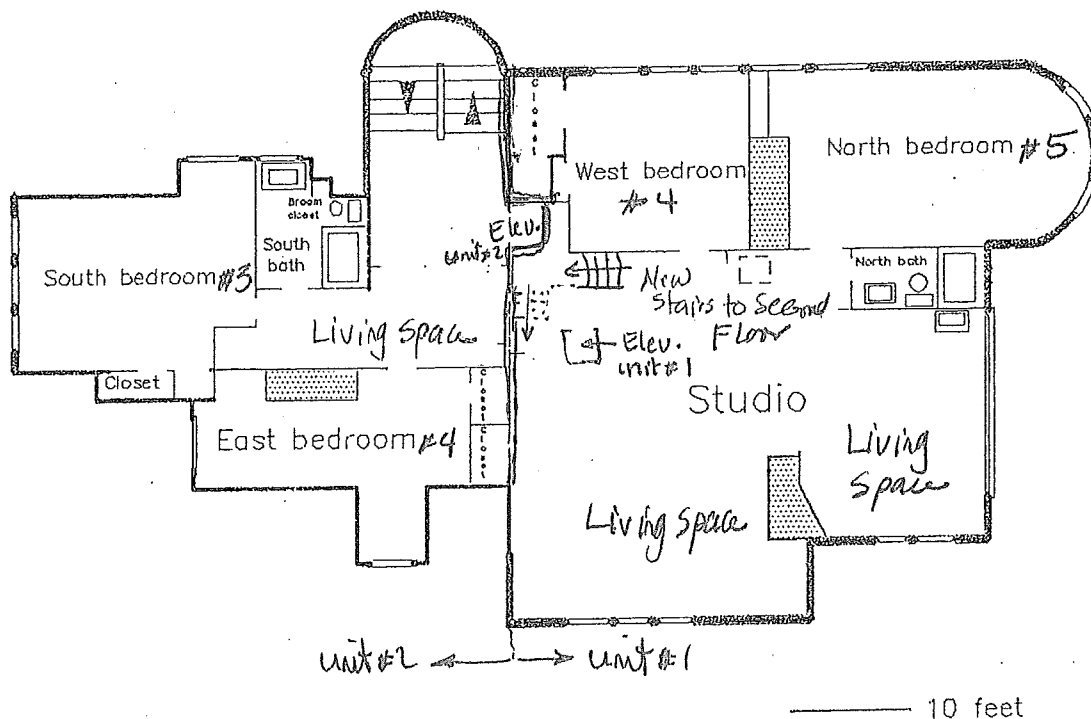
Plan #1

# Duplex' plan for main + Single Family Carriage House

Attachment 6. p.4 of 7

476 Summit Floor Plan updated April 2010 from original prepared in early 1980's

Third floor



(3) Car garage total + (5) off street parking (see civil plan) = (8)

# Plan #2

# "Fourplex" plan of Main Bldg. + Single Family Carriage House

Attachment 6 p. 5 of 7

476 Summit Floor Plan updated April 2010 from original prepared in early 1980's

C.W. Griggs Mansion

476 Summit Avenue

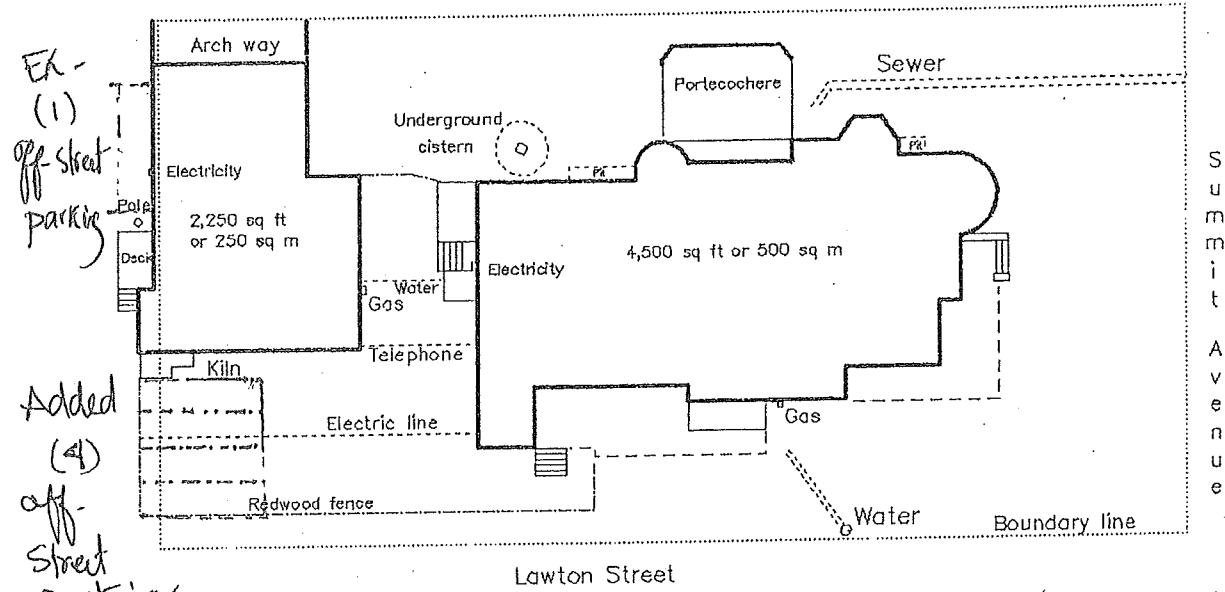
Saint Paul, MN 55102

Built in 1882-1883

Terrace Park Addition  
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Alley deck area vacated in 1986

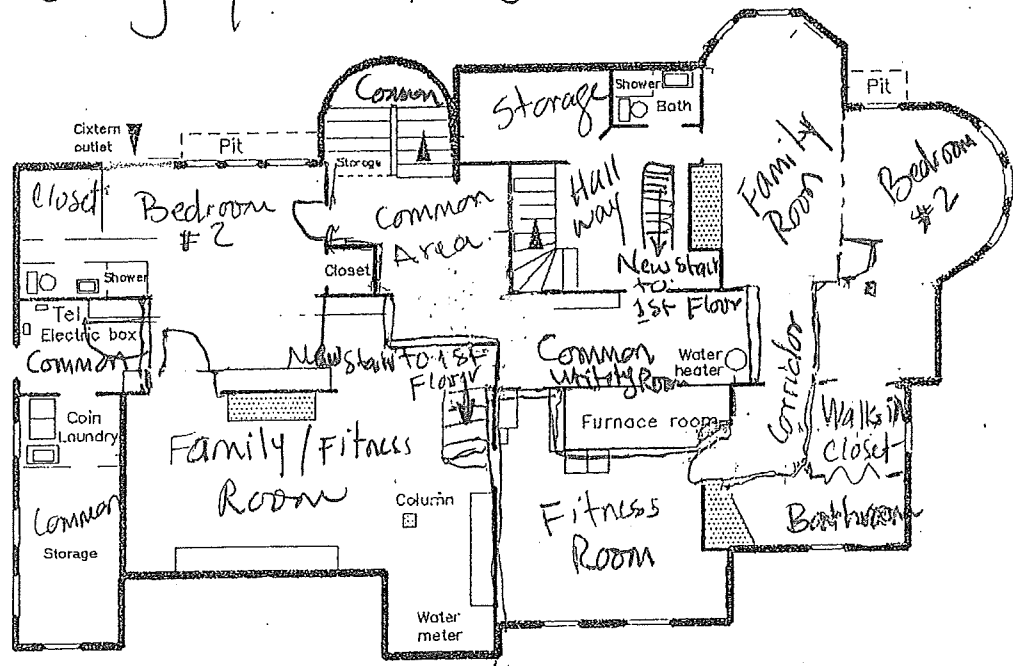
PLOT

N →  
— 10 feet



Total of-street parking = (5) + (3) garage = "8"

\* Code (Zoning requires 1.5 parking per unit = 7.5) Basement

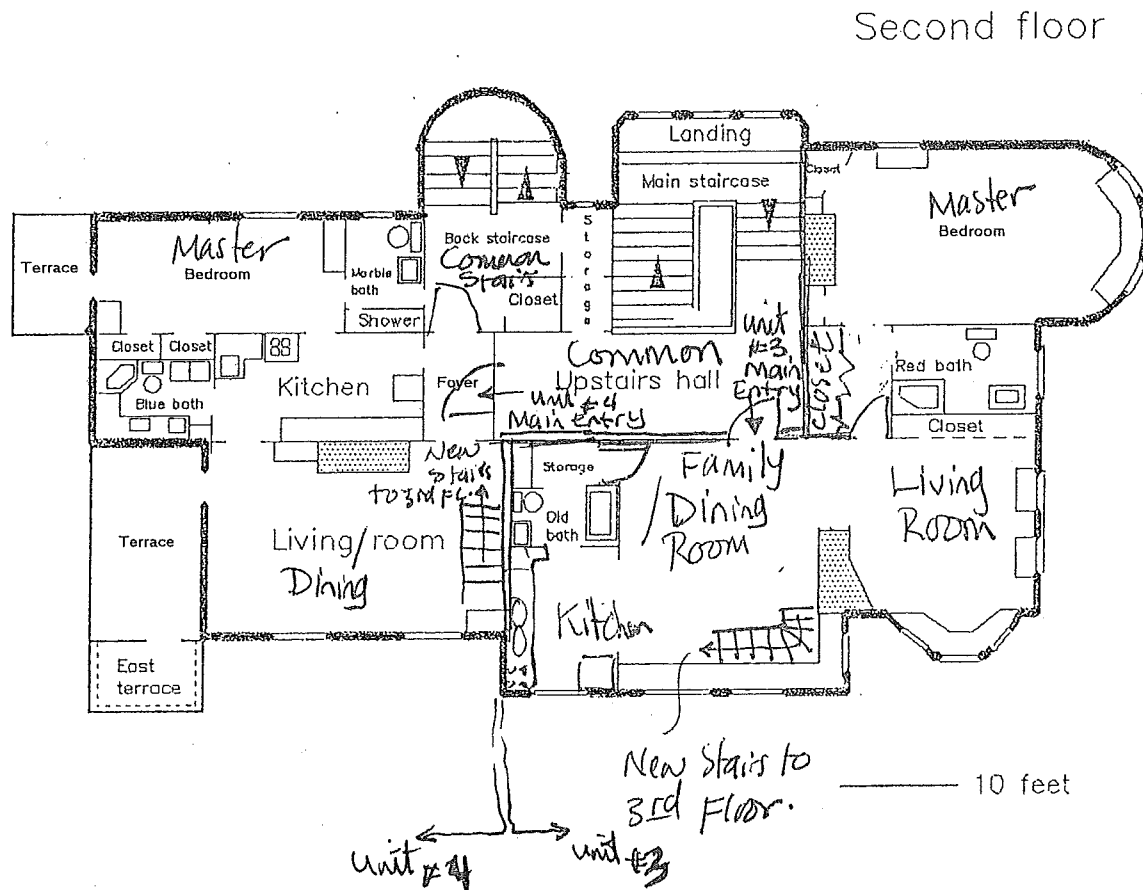
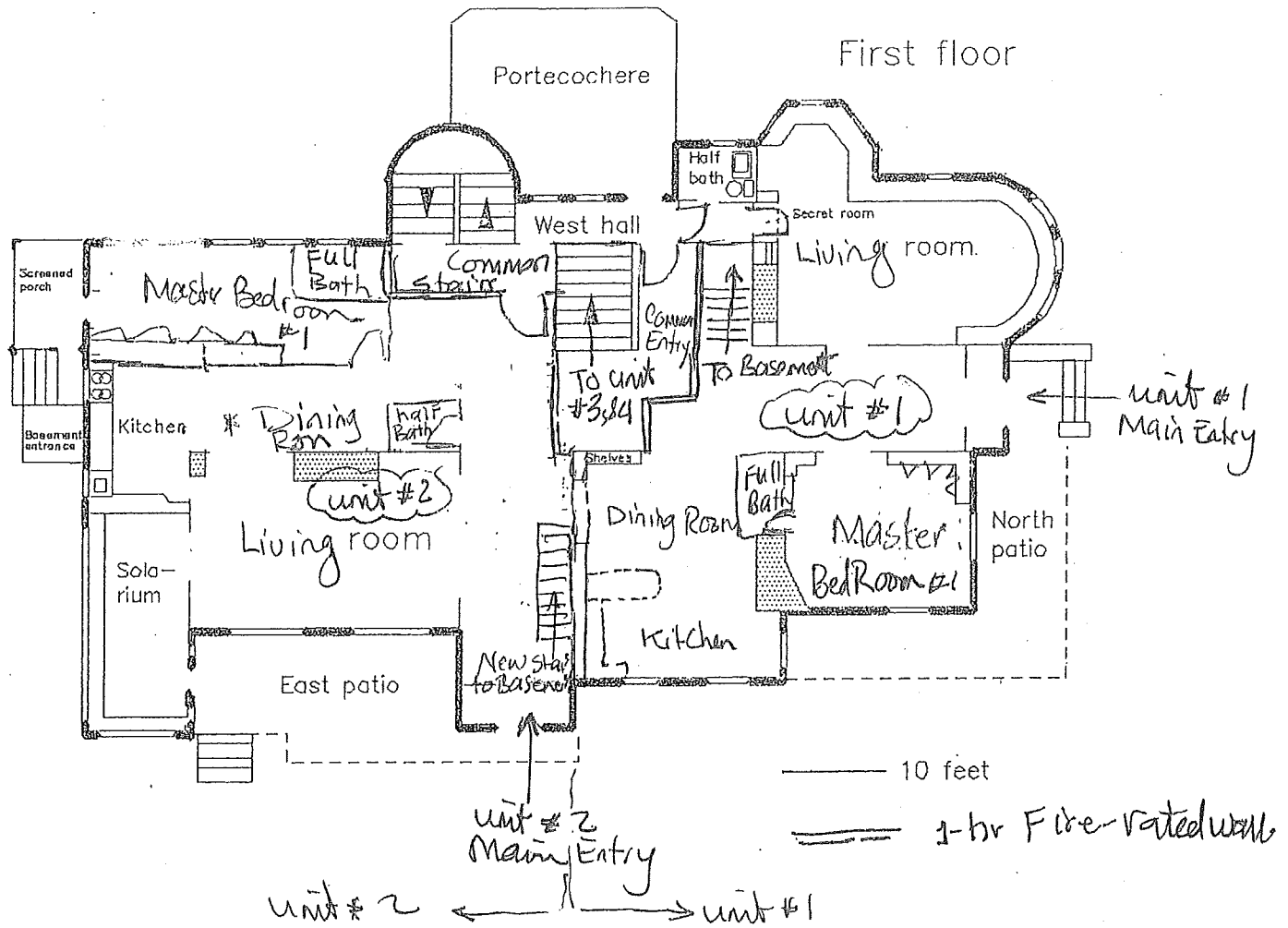


unit #2 ← → unit #1 — 10 feet

# Plan #2 Fourplex plan of Main Bldg. + Single Family Carriage House

Attachment 6 p6 of 7

476 Summit Floor Plan updated April 2010 from original prepared in early 1980's





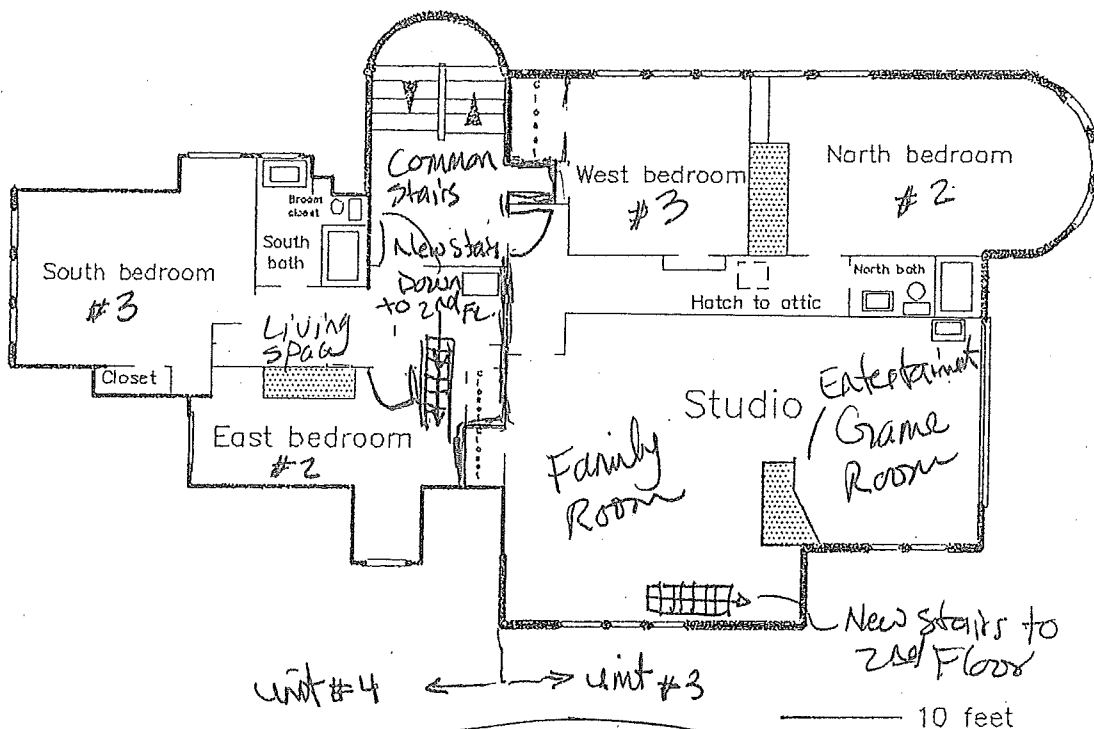
Plan #2

# Fourplex plan of Main Bldg. + Single Family Carriage House

Attachment 6 p. 7 of

476 Summit Floor Plan updated April 2010 from original prepared in early 1980's

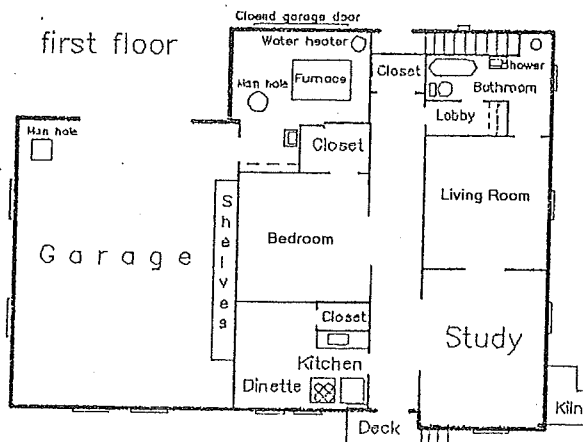
Third floor



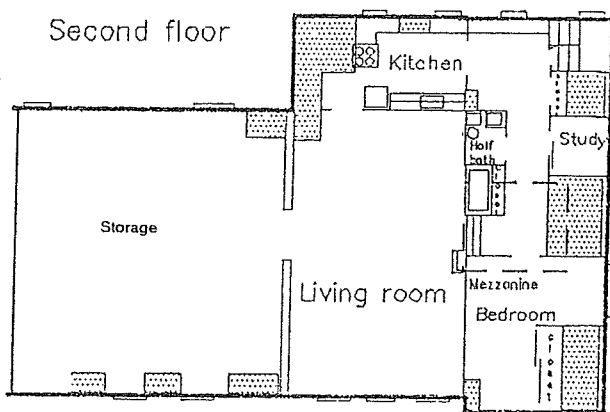
See plan # 1 (Identical)

Carriage house

first floor



Second floor



## General Timeline of Activities at 476 Summit Avenue

*[Prepared by Merritt Clapp-Smith in an attempt to represent the various documents in the application and in City files. The different pieces of information are generally consistent, but the City of Saint Paul does not appear to have understood the full number of units operating in the main structure.]*

1885 – House is built for Chauncey and Martha Griggs, designed by architect Clarence Johnston

1939 – Property purchased by St. Paul Gallery and School of Art, which operated an art school and gallery in the main structure, with at least two living units in the basement.

1964 – Property sold and returned to use as a private residence. Some rental of rooms within the main structure occurs during the following two decades.

1982 – Zoltais purchase the property.

1983 – Zoning complaint filed with the City regarding concern about too many people residing in the main building. City inspects property, informs owner that only 4 dwelling units are allowed in the main structure under the RT2 zoning designation, and resolves the issue with a determination that the main structure has three dwelling units and is in compliance with the code. The three identified units are a basement unit, the owner unit on the first and second floors, and a third floor unit with multiple tenants in occupancy.

1988 (approx.) – Dale Redpath begins renting space on the third floor and continues residency there until the present day. During the 22 years, she rents different parts of the third floor space and some physical changes are made to better differentiate the rental spaces. Other

1991 – Michael Stack begins renting space on the third floor. He shares a kitchen and 2 bathrooms with other third floor tenants.

1993 – Physical changes are made to the third floor and the rear rooms are converted to a formal, separate dwelling unit. The three front rooms on the third floor (a studio and two bedrooms) continue to be rented as single rooms with a shared bathroom and no formal, shared kitchen.

1994-1996 – City of Saint Paul issues Certificates of Occupancy for three (3) dwelling units in the main building. [Note: It may be that the City did not classify the building as having four units at this time -- 1 in the basement, 1 on the 1<sup>st</sup> and 2<sup>nd</sup>, and 2 on the 3<sup>rd</sup> floor -- because the front third floor rooms would not meet the definition of a dwelling unit since they lacked a shared kitchen and were rented as bedrooms.]

Mid-1990s – Second floor rear unit is formally split off from the owners' unit on the first and front second floors.

1996-2000 -- City of Saint Paul issues Certificates of Occupancy for four (4) dwelling units in the main building. [Note: The addition of one unit was probably triggered by the physical changes that better separated the second floor, rear unit.]

1996 – Property is tentatively listed for sale by realtor Dan Blackstad. Dan notes that based on his observations, there are 2 units in the basement, 1 unit on the first and front second floors, 1 unit in the rear second floor, and 5 rooms with occupants on the third floor. The listing states that annual rental income for the property is \$44,520.

Late 1990s – Rear basement unit formally created. It sounds as if it had been rented as a bedroom on and off for years by various owners.

1999-2000 – Owner files document nine renting tenants for: 2 units in the carriage house, 2 units in the basement, 1 unit on the second floor rear, and 4 rooms on the third floor.

2002 – Fire inspection report documenting smoke alarms includes signatures from six rental tenants. The signatures do not include those of the rear basement tenant or the 2 carriage house tenants.



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220  
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

April 26, 2010

Olga M Zoltai  
476 Summit Ave  
St. Paul MN 55102

Re: Non-conforming number of units in main house

Dear Mrs. Zoltai:

Your building was inspected today for fire and zoning conformity. This letter addresses only the zoning issues.

Today, there were two units in the carriage house and nine units in the main house. The main house first floor holds the owners suite and a guest unit that is currently not rented and has been used by family members in the past. This guest unit can be returned to the main living space by removing the locking doors. The second floor holds the owners upstairs bedrooms and one extra dwelling unit. The third floor has one complete dwelling unit on the south and a studio on the north that has been divided into three units with a shared bathroom. Each unit has food storage and cooking areas. The basement has two rental units and common recreation, storage and laundry areas.

The main house of your property has zoning approval for up to four units. The carriage house has been approved for two units. You have the option to either remove the extra dwelling units or apply for a non-conforming use permit for the extra units.

I have provided you with an application for legal non-conforming status. If you choose this option, please submit the completed application and the \$650.00 application fee to Planning and Economic Development (PED) no later than May 30, 2010.

Please feel free to contact me with any questions at 651-266-9088 or via email at [mary.montgomery@ci.stpaul.mn.us](mailto:mary.montgomery@ci.stpaul.mn.us).

Respectfully

Mary Montgomery  
Zoning Inspector/DSI

C: Patricia James / Senior Planner/PED  
C: Mitch Imbertson / Fire Inspector/DSI  
C: Leanna Shaff / Residential Supervisor Fire/DSI

476 Summit Ave

CITY OF ST. PAUL

DEPARTMENT OF COMMUNITY SERVICES  
DIVISION OF HOUSING AND BUILDING CODE ENFORCEMENT

445 City Hall, St. Paul, Minnesota 55102

Phone 612-298-4212

April 20, 1977

M E M O R A N D U M

TO: Richard G. Conlin  
Sales Associate Cushing and Driscoll, Inc.

FR: Glenn Erickson  
City Architect *Glenn Erickson*

RE: 476 Summit Avenue

A record search by this Division indicates the carriage house at the above address has been occupied since before 1948 as a two unit dwelling.

The main building in an RT-2 zoned district may be occupied as a two family dwelling.

GAE:RA:eh

*M. J. [unclear]*

atla

# DIVISION OF HOUSING AND BUILDING CODE ENFORCEMENT

ADDRESS 476 Summit DATE \_\_\_\_\_ CENSUS TRACT \_\_\_\_\_

OWNER ZOLTAI ADDRESS Same PHONE \_\_\_\_\_

COMPLAINT DATA:

COMPLAINANT \_\_\_\_\_ ADDRESS \_\_\_\_\_ PHONE NO. \_\_\_\_\_

DATE	
9/30/83	zoning Has been approved for 3 dwelling units in the main Bldg and 2 units in the Carriage House. Cof O <del>for</del> Alice B. HAS been informed of legal non conforming status and of need for a S.O.C. Close file Jeh. H.

# SMOKE DETECTOR INSPECTION AFFIDAVIT

THIS AFFIDAVIT MUST BE COMPLETED AND RETURNED TO THE FIRE INSPECTOR UPON INSPECTION OF THE PROPERTY. A CERTIFICATE OF OCCUPANCY CANNOT BE ISSUED/RENEWED WITHOUT THIS COMPLETED AFFIDAVIT. If all the units were not inspected by one person, signatures of all persons inspecting units are required. More than one sheet may be used.

496 Summit Ave Summit Summit  
Address # of Units COFO#

I affirm that I have given the occupant of each dwelling unit or guest room in the building at the above address a written explanation of the following:

1. The location and operation of each smoke detector.
2. Instructions describing the action to be taken when an alarm sounds.
3. The procedures for testing the detectors.
4. Who to contact when a low-battery tone sounds or power light fails.

X

Signature

John Anger

Edwin A. Anger

I affirm that I personally inspected the smoke detectors in the dwelling units and guest rooms in the building at the above address as follows:

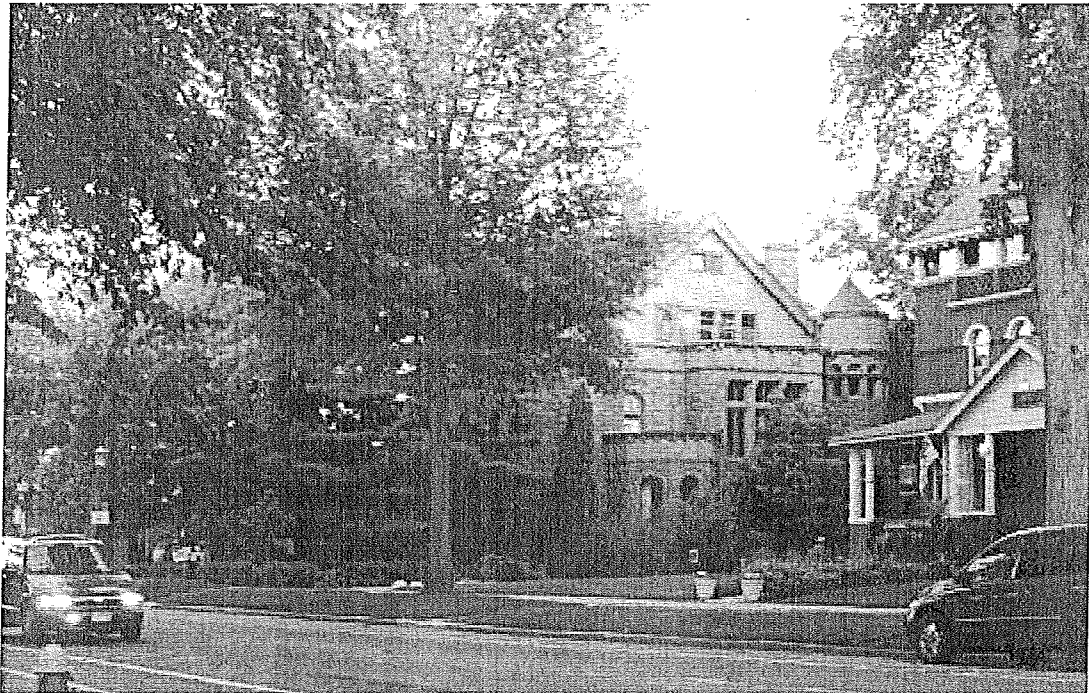
APT. #	DATE	APT. #	DATE	APT. #	DATE
New 3N	9/27/02	Christy Root			
New 3W	9/27/02	Cathy Boyd			
Battery 2S	9/27/02	Sally Ledwith			
Battery Basement	9/27/02	Vicki Muldalen			
Battery 3S	9/27/02	Mike Brash			
Studios		Dale Redpath			

and that all detectors were in place and in good working order.

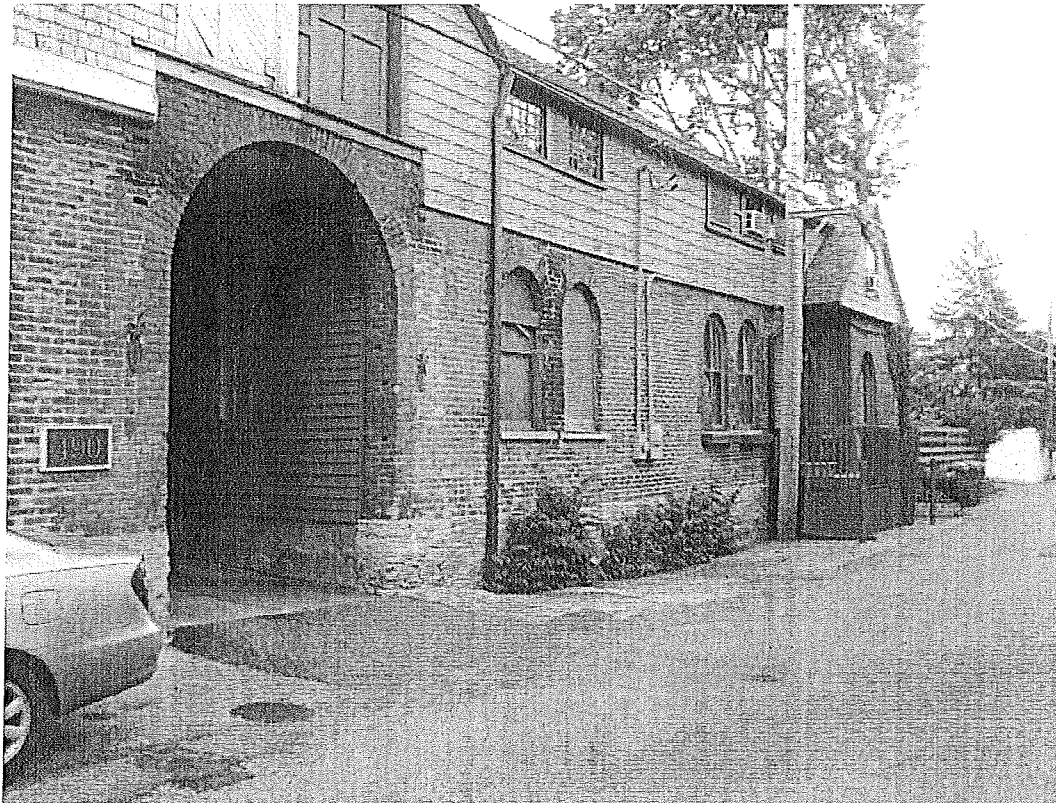
Signature

Minnesota State Statutes 299F.362 requires smoke detectors and Saint Paul Ordinance 39.02(c) requires that an affidavit stating that "all detectors are inspected and serviced when needed and are operational" be filed before a Certificate of Occupancy can be issued or renewed.

**Establishment of NCUP #10-320786 at 476 Summit Avenue**



**View from Summit Avenue**



**Rear carriage house units and alley parking**



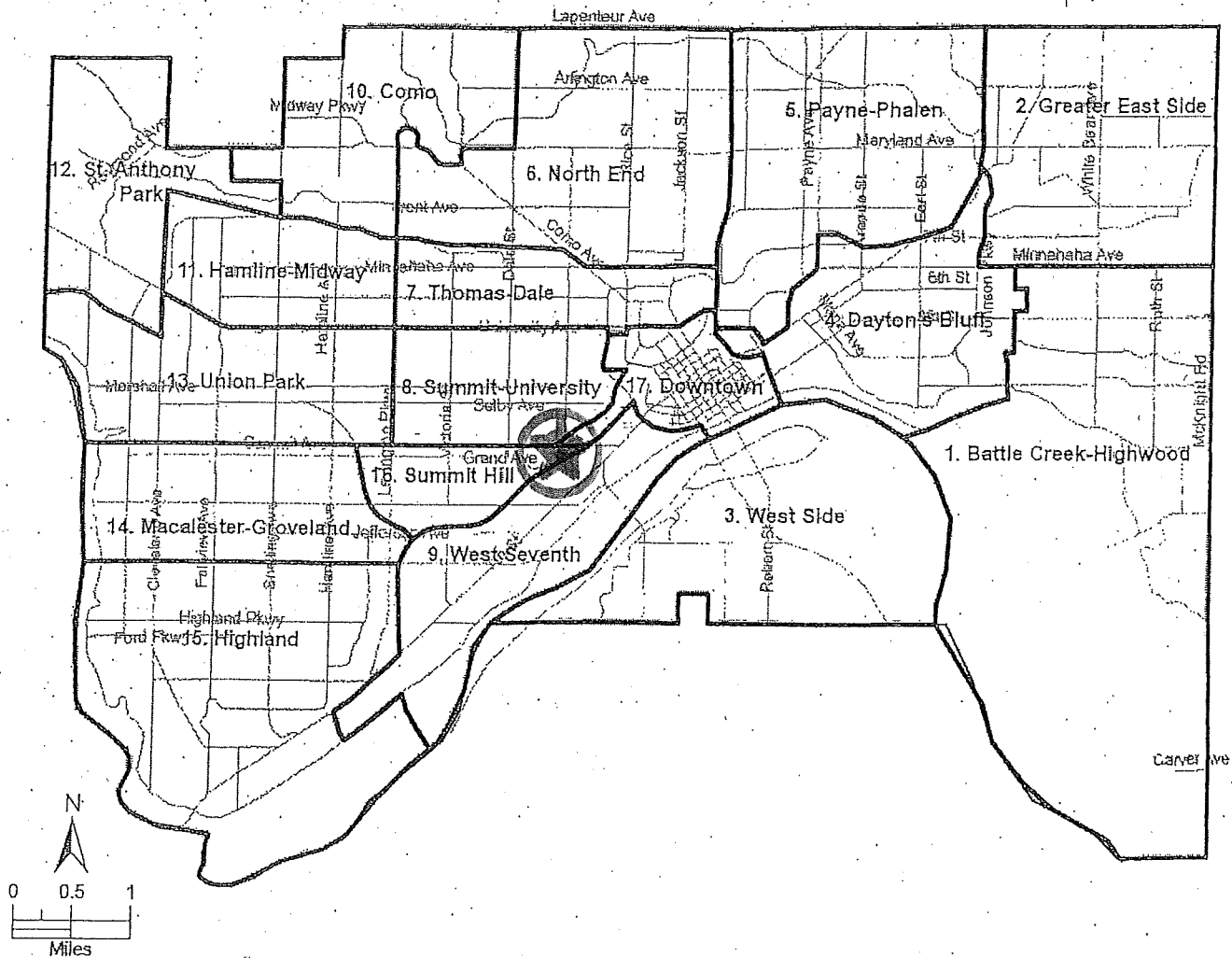
# GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006

☒ Show Dashboard ☒ Show Reference Map





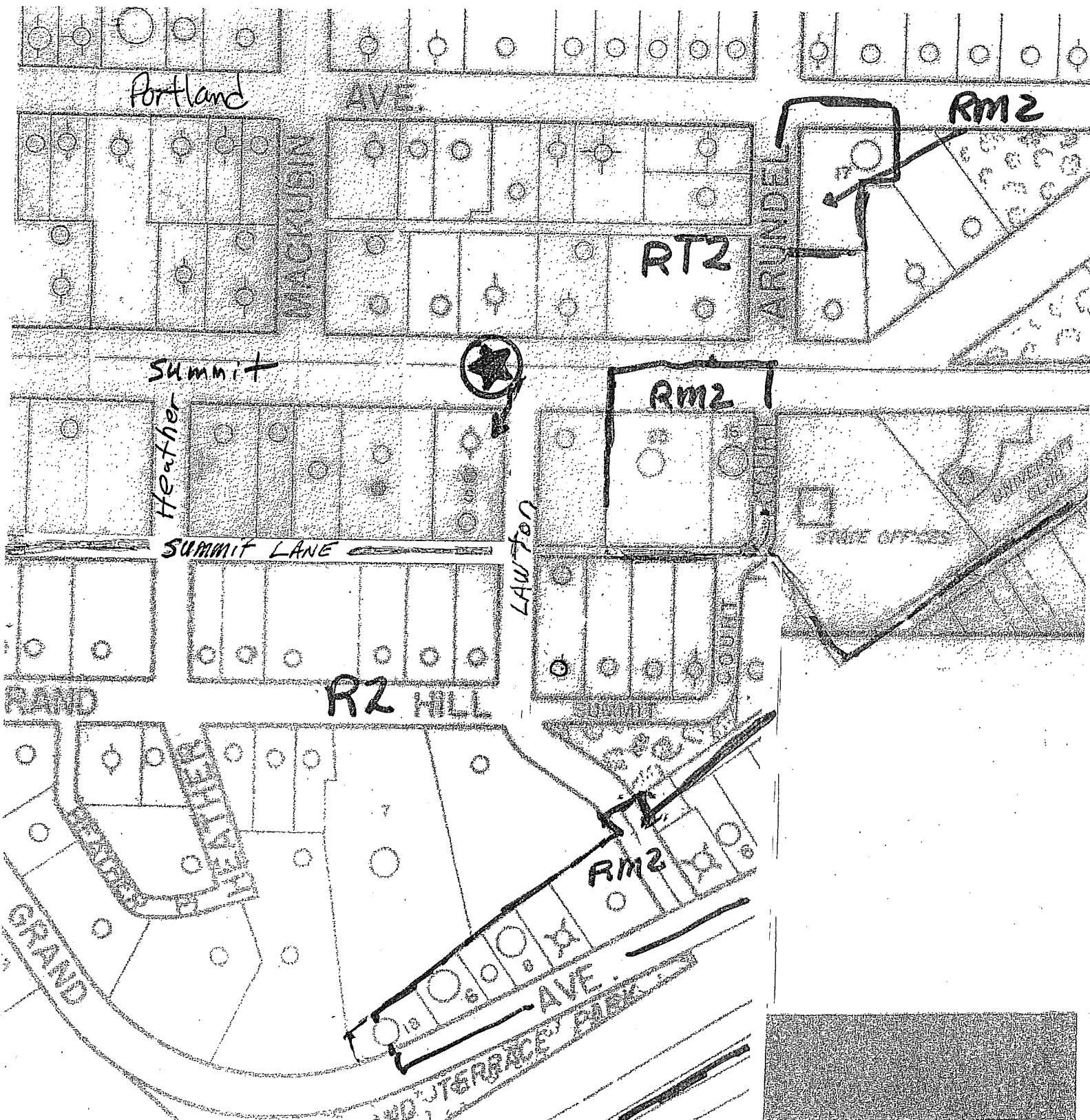


Source: City of Saint Paul

### CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE - MIDWAY
12. ST. ANTHONY
13. UNION PARK
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

# 10-320786



APPLICANT Olga Zoltai  
 PURPOSE Est NCUF  
 FILE # 10-320786 DATE 5-12-10  
 PLNG. DIST 16 MAP # 20 + 28

SCALE 1" = 100'



LEGEND

zoning district boundary

subject property

- one family
- two family
- multiple family

- commercial
- industrial
- vacant



## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Renaissance Fireworks **FILE #** 10-320-034
  2. **APPLICANT:** Renaissance Fireworks **HEARING DATE:** May 27, 2010
  3. **TYPE OF APPLICATION:** Conditional Use Permit
  4. **LOCATION:** 1440 University Ave W
  5. **PIN & LEGAL DESCRIPTION:** 342923310021, Auditors Subdivision No 27 Subj To St; The Fol Part Of Vac J F Eisenmengers 2nd Add & In Sd Kittsondale Being Aud Sub No.27 Part Of Lots 17,18 & 19 Desc As Beg At Int Of El Of W 30 Ft Of Ne 1/4 Of Sw 1/4 Of Sec 34 Tn 29 Rn 23 & Nl Of Hwy 94 Th N On Sd El
  6. **PLANNING DISTRICT:** 13 **PRESENT ZONING:** B2
  7. **ZONING CODE REFERENCE:** § 65.526; § 61.501; § 61.502
  8. **STAFF REPORT DATE:** May 19, 2010 **BY:** Patricia James
  9. **DATE RECEIVED:** May 6, 2010 **60-DAY DEADLINE FOR ACTION:** July 5, 2010
- 

- A. **PURPOSE:** Conditional use permit for outdoor seasonal sales of consumer fireworks
- B. **PARCEL SIZE:** The area to be occupied by the use is approximately 36 ft. by 60 ft. The entire parcel is 278,054 sq. ft.
- C. **EXISTING LAND USE:** Grocery store parking lot
- D. **SURROUNDING LAND USE:**

The site where the fireworks sales would occur is in the Midway Marketplace parking lot and is surrounded by retail uses and parking.
- E. **ZONING CODE CITATION:** §65.526 permits the outdoor sales of consumer fireworks provided certain conditions are met; §61.501 lists general conditions that must be met by all conditional uses; §61.502 authorizes the planning commission to modify any or all special conditions after making specified findings.
- F. **HISTORY/DISCUSSION:** In 2003, the Planning Commission approved a determination of similar use for fireworks sales in the B2 district as well as a conditional use permit for the parcel to the north, also in Midway Marketplace (File # 03-301-666). That use was not established. In 2004, another CUP for fireworks sales was approved by the Planning Commission for the previous parcel (File # 04-072-240). This approval was overturned by the City Council on appeal (File # 04-098-679). In 2007, the City Council adopted an ordinance regulating outdoor sales of consumer fireworks (C. F. 07-633). One of the provisions of this ordinance was to first permit these sales in the B3 zoning district as a conditional use. Minnesota Statutes Sec. 624.20 Subd. 1(d) states: "A local unit of government may not: prohibit or restrict the display of items for permanent or temporary retail sale...that comply with National Fire Protection Association Standards 1124 (2003 edition)...." According to the State Fire Marshal, the only exception is if the local jurisdiction prohibits retail stands of all kinds, then it can prohibit the retail sale of consumer fireworks. Since the Saint Paul zoning code permits certain kinds of outdoor sales in the B2 district, Saint Paul does not fall under this exception.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 13 Council had not responded as of the time this staff report was completed.
- H. **FINDINGS:**
  1. Renaissance Fireworks proposes to occupy approximately 12 parking spaces in the parking lot north of Cub Foods in the Midway Marketplace shopping center for the purpose of selling consumer fireworks. A 30 ft. x 45 ft. tent will be erected for the sales. The leased area will also include space for a locked storage container to hold the fireworks when the business is closed. Proposed sales dates are June 18 to July 7, 2010, a period of 20 days. Proposed hours of operation are 9 a.m. to 8 p.m. each day.
  2. The Zoning Code permits the outdoor sale of consumer fireworks as a conditional use in the B3 general business district subject to the standards and conditions of Section 65.526.

Minnesota Statutes Sec. 624.20 Subd. 1(d) in essence requires that outdoor sales of fireworks be permitted in those zoning districts where other outdoor sales are permitted, and the Saint Paul zoning code permits certain other outdoor sales in the B2 community business district. The standards and conditions for outdoor commercial sale of consumer fireworks are as follows:

- (a) *The standards and conditions of section 65.525 shall apply: Sec. 65.525 states: The use shall not conflict with off-street parking, off-street loading and the system of pedestrian flow. The planning commission, in determining that the use is harmonious with adjacent uses, shall require the submission of a site plan including a floor plan and all uses within three hundred (300) feet of the boundary of said site superimposed on said site plan.* This condition is met. The use is at the end of a row of parking, with no loading areas or sidewalks in the vicinity. There appears to be ample parking available for the permanent retail uses in the parking lot after the temporary loss of these 12 spaces. Reviewing aerial photos of the proposed location show that uses within 300 feet of the proposed sales area are other retail, parking lot, and public street.
- (b) *The use shall obtain all necessary permits from the city. Permits for outdoor sale of consumer fireworks shall be valid from June 25 to July 5 each year, during the Independence Day holiday season.* This condition can be met. The applicant will apply for the required permit from the Saint Paul Fire Marshal. The applicant proposes sales for a longer period of time (June 18 to July 7), while the zoning code limits the sales to the period from June 25 to July 5. The applicant has requested a modification of this requirement.
- (c) *All items offered for sale shall be kept within the sales structure. The sales structure shall be located at least twenty (20) feet from any other structure.* This condition is met. The applicant's plan shows a sales tent where the items will be kept. The tent is at least 30 feet from the nearest structure, Wal-Mart's outdoor garden center area.
- (d) *The sales structure shall be located at least one hundred (100) feet from the closest property line of any property used or zoned for residential use (excluding mixed commercial-residential uses).* This condition is met. The closest residentially zoned or used property is at least 800 feet away across University Avenue.
- (e) *An outdoor no-smoking area of fifty (50) feet surrounding the perimeter of the structure shall be maintained on the property. The fifty-foot non-smoking area must be physically marked. No portion of any public sidewalk, boulevard right-of-way, public street, or alley may fall inside the perimeter.* This condition can be met. The buffer area does not include any portion of a public sidewalk, boulevard, street, or alley. The applicant has proposed locations for posting no smoking signs at the perimeter of the tent and storage container area and at the entrances to the drive aisles on either side of the sales area. These proposed signs are less than 50 feet from the sales area. Additional postings in the parking lot at the perimeter of the 50 ft. buffer area would comply with the requirement. To the north, the required buffer area includes drive lanes through the shopping center and a portion of the Wal-Mart outdoor garden center. The location of all no smoking signs should be placed as directed by the Fire Marshal.
- (f) *The structure shall not be located within fifty (50) feet of a motor vehicle fuel dispenser.* This condition is met. There are no motor vehicle fuel dispensers in the Midway Marketplace shopping center.
- (g) *When the structure is unoccupied and not open for business, merchandise shall be secured or removed from the site.* This condition is met. The applicant states that the fireworks will be stored in a secure, metal container with tamper proof locks when the business is closed.

3. §61.501 lists five standards that all conditional uses must satisfy:

- (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. This temporary use is consistent with the Central Corridor Development Strategy (2007), which calls for expanding retail and entertainment offerings in the Midway shopping district (p. 46). The Snelling Station Area Plan (2008) calls for this area to be "...a vital local and citywide hub that meets the needs of neighboring communities and offers a revitalized shopping and employment district." (p. 14) The plan further states that the south side of the station area, which includes this site, "...will over time develop into a new urban village, including a revitalized shopping district, with a restored street and block structure and a vital mix of uses." Because of the temporary and seasonal nature of this use, it does not conflict with these plans. The use is also generally consistent with Policy 18 in the Snelling-Hamline Neighborhood Plan Summary (adopted in 2008), which states: "Support the Midway Business District (located between University Avenue and I-94, along Hamline and Pascal), for use by the local community as well as regional consumers."
- (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The site where the sales will be located should not interfere with ingress and egress from the adjacent public streets.
- (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. This use is temporary and seasonal in nature and will not permanently change the character of the area. Provided the applicant complies with all of the requirements of the National Fire Prevention Association (NFPA) standard as enforced by the Fire Marshal, the use will not endanger the public health, safety or general welfare.
- (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use will be temporary and seasonal in nature and will not impede the development and improvement of other properties in Midway Marketplace for uses permitted in the B2 zoning district.
- (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The use is seasonal and located in a temporary structure, and complies with applicable regulations. The sales area within the tent requires 6 off-street parking spaces, which are available in the existing shopping center parking lot.

4. The planning commission may approve modifications of special conditions when specific criteria of §61.502 are met: *strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.* This finding is not met. The applicant proposes selling consumer fireworks from June 18 to July 7, 2010, rather than the more limited time (June 25 to July 5) set forth in Sec. 65.526. The applicant has questioned whether this restriction violates Minnesota Statutes Sec. 624.20, Subd. 1.d.1 permitting sale of consumer fireworks, which states in part: "... (2) prohibit or restrict the display of items for permanent or temporary retail sale authorized under paragraph (c) that comply with National Fire Protection Association Standard 1124 (2003 edition)." Other than this, the applicant has not provided evidence of exceptional undue hardship. The types of outdoor sales permitted in the B2 zoning district are outdoor garden

centers and seasonal farmers' markets. Both of these uses require a conditional use permit, which typically includes a restriction on dates of operation.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the conditional use permit for outdoor seasonal sales of consumer fireworks subject to the following additional condition(s):

1. Sales of consumer fireworks may occur from June 20 through July 5, 2010, during the hours of 9 am-8 pm daily.
2. A permit from the Fire Marshal is approved and posted as required.
3. The use complies with all local and state regulations pertaining to the sales of consumer fireworks.
4. The consumer fireworks shall be securely stored during non-sales hours.

**CONDITIONAL USE PERMIT APPLICATION**

Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6589

Zoning office use only

File #

Fee:

Tentative Hearing Date:

5-27-10

courtesy  
11

PD-13

# 342923310021

**APPLICANT**

Name MARK LAZARCHE Renaissance Fireworks  
Address 1607 Lowry Ave NE  
City Mpls St. Mn Zip 55418 Daytime Phone 612-840-3240  
Name of Owner (if different) Mark Lazarche  
Contact Person (if different) " " Phone "

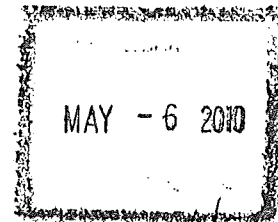
**PROPERTY LOCATION**

Address / Location 1430 University Ave W St. Paul mn  
Legal Description See attachment  
Current Zoning B-2  
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of  
Chapter 65, Section 526, Paragraph " of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

The site in question is zoned to allow this. Sales are of a legal product.

CL 5444  
750<sup>00</sup>☒ Required site plan is attached

Applicant's Signature

Date

City Agent

pd. \$750<sup>00</sup>  
cl. # 5444



April 26, 2010

2010 Season

**STATEMENT OF PROPERTY OWNER PERMISSION**

For Temporary Sales of Fireworks

To Whom It May Concern:

Permission is hereby granted to Renaissance Fireworks for the request to operate a sale of fireworks at **Midway Markeplace located at 1450 University Ave., St. Paul, MN 55104.**

The organization and/or Renaissance Fireworks agree to leave the premises clean and clear of any and all debris after dates of occupancy.

The sale, as agreed, shall begin on June 18, 2010 and run through July 7, 2010. Permission is granted for the retail sale of fireworks and for the installation of a tent as part of the event.

If you have any questions, please do not hesitate call me direct at (216) 755-6444.

Sincerely,

**DEVELOPERS DIVERSIFIED REALTY**

Brian Reiss  
Director of Temporary Leasing,  
Community Centers

Subscribed and sworn to before me, in my presence, this 26<sup>th</sup> day of April 2010,  
A Notary Public in and for the Trumbull county state of Ohio.

Christine Weaver / Notary Public  
My commission expires February 12, 2011



**CHRISTINE WEAVER**  
Notary Public, State of Ohio  
Trumbull County  
My Commission Expires  
February 12, 2011



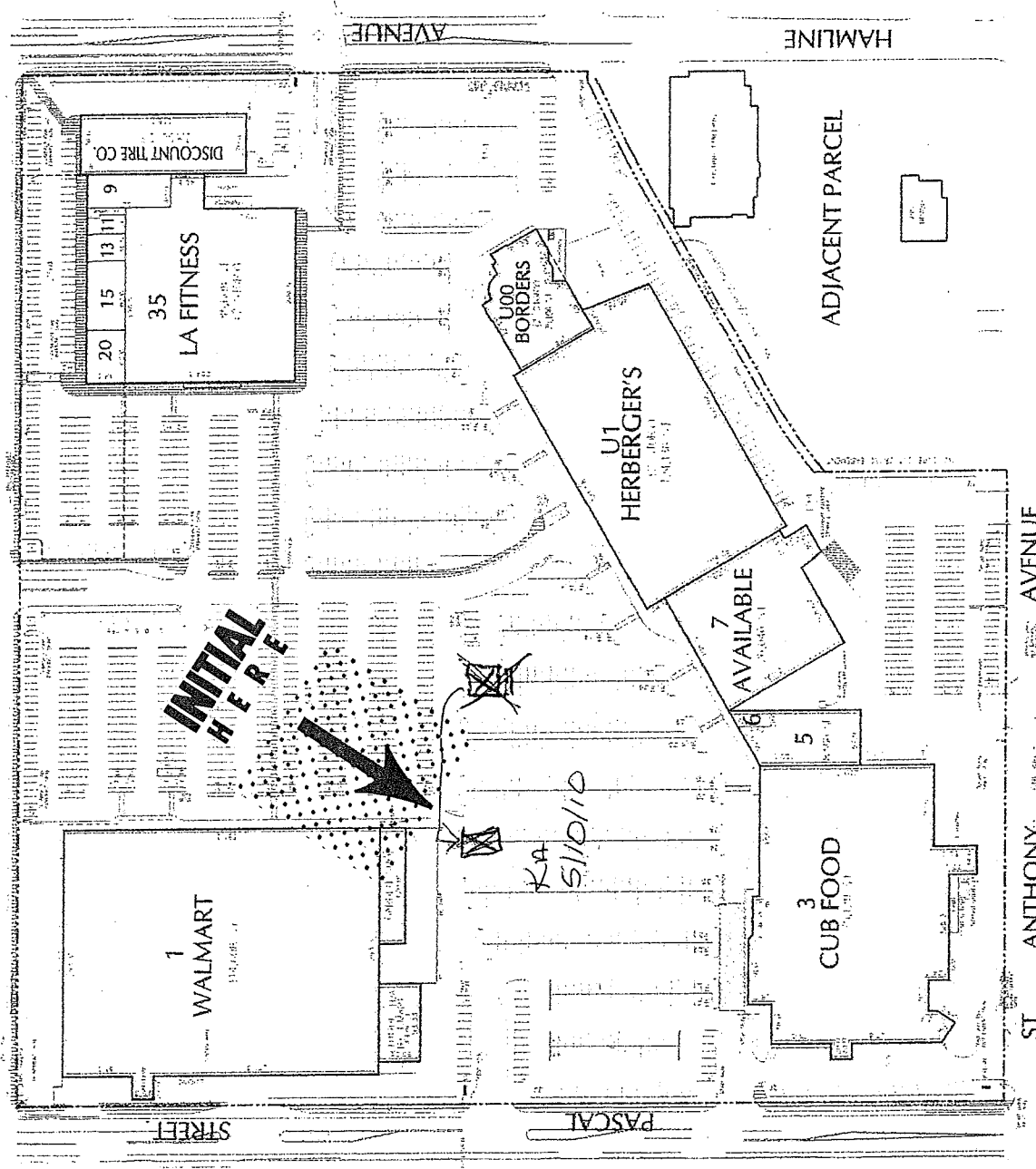
ALBERT STREET

UNIVERSITY AVENUE

UNIVERSITY AVENUE

# TENANT INDEX

1	WALMART	114,608 SF
3	CUB FOODS	75,120 SF
5	DOLLAR TREE	0,500 SF
6	TOMACCO SHOP	905 SF
7	AVAILABLE	26,040 SF
9	BPOT	4,080 SF
11	MOTHER NATURE	989 SF
13	UPS	1,500 SF
15	INS GOV'T OFFICE	3,960 SF
20	LEANN CHIN	3,033 SF
35	LA FITNESS	85,608 SF
U00	BORDERS	25,106 SF
U1	DISCOUNT TIRE CO.	13,600 SF
U1	HERBERGER'S	124,136 SF



**MIDWAY MARKETPLACE**

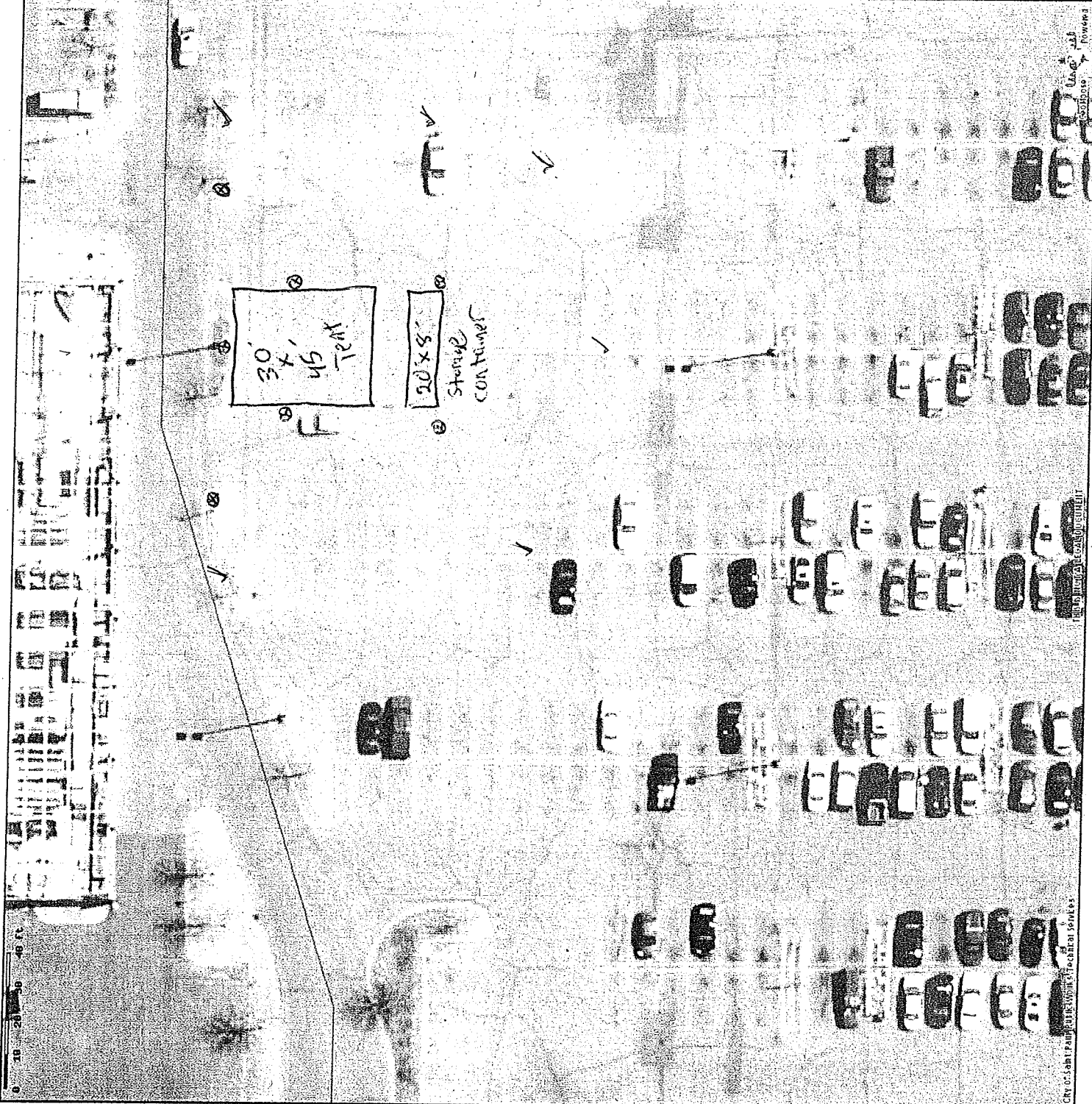
University Avenue  
St. Paul, Minnesota 55104

Latitude: 44.9543, Longitude: -93.15927235



**DEVELOPERS  
DIVERSIFIED  
REALTY**

3100 Interpace Parkway, Rosemead, CA 91768  
Phone: 214.731.5000 Fax: 214.731.7500



☐ Parcel  
☐ Selected Parcel

Interstate

Highway or County Road

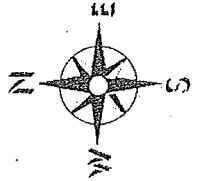
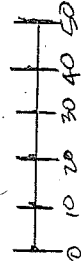
Local Road

Ramp

Other Street

WATER

- No Smoking  
Signs



**Patricia I have responded to each point for ease of making sense of it all.**

The sale within a temporary structure, including, but not limited to, tents, stands and canopies, of the items authorized under Minnesota Statutes § 624.20(c): wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical mixture per tube or a total of 200 grams or less for multiple tubes, snakes and glow worms, smoke devices, or trick noisemakers which include paper streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not more than twenty-five hundredths grains of explosive mixture.

**This section of your code needs to be updated as Minnesota extended to total grams allowed to 500 grams in 2008.**

- (a) The standards and conditions of section 65.525 shall apply.  
**OK**
- (b) The use shall obtain all necessary permits from the city. Permits for outdoor sale of consumer fireworks shall be valid from June 25 to July 5 each year, during the Independence Day holiday season.  
**Minnesota law does not allow for limitations on time of sales unless all outdoor sales are limited to the same time. We have set up in St Paul for the last 3 years during our sales times with no problems.**
- (c) All items offered for sale shall be kept within the sales structure. The sales structure shall be located at least twenty (20) feet from any other structure.  
**Not a Problem**
- (d) The sales structure shall be located at least one hundred (100) feet from the closest property line of any property used or zoned for residential use (excluding mixed commercial-residential uses).  
**It is**
- (e) An outdoor no-smoking area of fifty (50) feet surrounding the perimeter of the structure shall be maintained on the property. The fifty-foot non-smoking area must be physically marked. No portion of any public sidewalk, boulevard right-of-way, public street, or alley may fall inside the perimeter.  
**We will have signs on all sides of the tent as well as placed on the circle X points shown on the map. The no smoking signs are highly visible.**
- (f) The structure shall not be located within fifty (50) feet of a motor vehicle fuel dispenser.  
**It is not**
- (g) When the structure is unoccupied and not open for business, merchandise shall be secured or removed from the site.

**Product will be locked and secured in a metal container over night with tamper proof locks**

April 18, 2006

City Administrator  
Steven C. Melke  
20195 Holyoke Avenue  
Lakeville, MN 55044

RE: Lakeville Fireworks Ordinance

To Whom It May Concern:

It has come to the attention of the American Civil Liberties Union of Minnesota (ACLU-MN), that Lakeville's City Ordinance, 3-20-5, regarding the conditions of a license to sell fireworks, conflicts with Minnesota State law, 624.20. It is for that reason that Lakeville's ordinance is unconstitutional. Consequently, the ACLU-MN, requests that Lakeville amend its ordinance to comply with Minnesota state law.

The ACLU-MN learned of Lakeville's ordinance through Mark Lazachic, of Renaissance Fireworks. The City of Lakeville has denied Mr. Lazachic's application for a license to sell fireworks for the stated reason that the facility in which he seeks to sell fireworks, namely a tent, does not comply with their city ordinance.

Minnesota Statute 624.20 Paragraph (d), sub-paragraph (2) reads, in relevant part, "(d) a local government may not: (2) prohibit or restrict the display of items for permanent or temporary retail sale authorized under paragraph (c) that comply with National Fire Protection Association Standard 1124 (2003 edition)."

The National Fire Protection Association Standard 1124 (2003 edition) referred to in the Minnesota statute states, in Section 7.1.2 Facility Classification, "the requirements of this chapter shall apply to the following: (1) permanent buildings and structures, ... and (2) Temporary facilities, including the following: (a) Consumer fireworks retail sales stands, (b) *Tents*, (c) Canopies, and (d) Membrane structures.[emphasis added]"

The Lakeville City Ordinance, 3-20-5 reads, in relevant part, "(B) The licensed premises must be a permanent building." Lakeville's ordinance clearly restricts the use of temporary buildings, including tents, in the licensed sale of fireworks. Lakeville's ordinance, therefore, is more restrictive than the relevant Minnesota statute, contrary to that same

Minnesota statute, and is for this reason, invalid. The Minnesota statute clearly asserts that a temporary structure, such as a tent, used in the selling of fireworks is an acceptable structure to sell fireworks and that no city ordinance may override this determination.

The Minnesota State Fire Marshall reiterates this point in its published report entitled "Fireworks Fact Sheet." Section 1 of this document asserts that "[t]his fire safety sheet is based upon Minnesota Statute 624.20...Its purpose is to provide uniform application of the 2003 Minnesota State Fire code (MSFC) and Minnesota Statute provisions." Section 4 of this same document asserts that "local jurisdictions cannot prohibit a retail stand that complies with National Fire Protection Association Standard 1124 (2003 Edition)." Accordingly, jurisdictions are not allowed to adopt ordinances that are more restrictive than NFPA 1124 (03) in accordance with Minnesota law. Even more to the point, Section 5 of this same report lays out that due to the amendment to Minnesota Statute 624.20 in the 2003 legislative session local jurisdictions must accept a retail stand that can prove they comply with the NFPA 1124 (03) referenced above. NFPA 1124 (03) Section 7.1.2 asserts that tents are a legitimate temporary structure in which to sell fireworks.

Pursuant to both the state and federal constitutions, an individual may not be deprived of a liberty or property interest, such as a legitimate "entitlement" to the benefit under state or federal law, without due process of law. Due Process requires that prior to an individual's deprivation of such liberty or property interest, there must be a fair process with an unbiased decision maker whose decision is neither arbitrary nor capricious.

It is clear from the fore-mentioned statutes that Mr. Lazachic has a statutorily created interest in obtaining a fireworks license, and the City of Lakeville's failure to grant him such a license is both arbitrary and capricious and for this reason a violation of due process. Accordingly, we request, the City of Lakeville amend its ordinance, 3-20-5, in so far as it reads that a licensed premises to sell fireworks must be a permanent building. In the interim, to ensure that that Mr. Lazachic's rights are not violated in the future, please take whatever steps are necessary so that he is able to obtain a license for the 2006 summer fireworks season.

Should the City of Lakeville determine that such an amendment to their ordinance is not appropriate, and should the ACLU-MN decide to pursue this matter further, there is potential for court mandated remedies on behalf of Mr. Lazachic. Among such remedies are the monetary damages that resulted from the last two years Mr. Lazachic has been denied a license to sell fireworks, and attorneys fees.

Sincerely,

Teresa Nelson, Esq.  
ACLU-MN Legal Counsel

Cc: Mr. Mark Lazachic

## The Minnesota Statute and a link to it online:

<http://www.fire.state.mn.us/Fireworks/FireworksStatutes.html>

Section 624.20 Paragraph d, sub-paragraph 2 States:

(d) A local unit of government may impose an annual license fee for the retail sale of items authorized under paragraph (c). The annual license fee of each retail seller that is in the business of selling only the items authorized under paragraph (c) may not exceed \$350, and the annual license of each other retail seller may not exceed \$100.

A local unit of government may **not**:

(1) Impose any fee or charge, other than the fee authorized by this paragraph, on the retail sale of items authorized under paragraph (c);

**(2) prohibit or restrict the display of items for permanent or temporary retail sale authorized under paragraph (c) that comply with National Fire Protection Association Standard 1124 (2003 edition); or**

(3) Impose on a retail seller any financial guarantee requirements, including bonding or insurance provisions, containing restrictions or conditions not imposed on the same basis on all other business licensees.

## Minnesota Fire Marshall Fact sheet:

<http://www.fire.state.mn.us/Fireworks/FireworksFactSheet0605.pdf>

### **SECTION 4 - SUMMARY OF CHANGES MADE EFFECTIVE MAY 28, 2003 RELATING TO LOCAL LICENSE FEES AND RETAIL STANDS FOR CONSUMER FIREWORKS SALES**

**Effective May 28, 2003, Minnesota Statute 624.20 (re-printed below)**

**was amended to include wording that limits the license fees that local jurisdictions can charge for fireworks sales, and that local jurisdictions cannot prohibit a retail stand that complies with National Fire Protection Association (NFPA) Standard 1124 (2003 Edition). However, if a local jurisdiction has an ordinance prohibiting transient sales of ANY item (fruits, vegetables, apparel, fireworks, etc.), this must be complied with.**

SFMD Fact Sheet-INS-26

Revised March 2, 2004

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"jurisdictions are not allowed to adopt ordinances that are more restrictive than NFPA 1124 (03) in accordance with Minnesota law?"

<http://www.nfpa.org/aboutthecodes/AboutTheCodes.asp?DocNum=1124>

Section 7.1.1.1.1. Of NFPA 1124 states:

7.1.1.1.1 For the purpose of applying the requirements of this chapter, the following consumer fireworks retail sales (CFRS) facilities and stores shall be

(1) Permanent consumer fireworks retail sales facilities and stores, which are not initially occupied until after the effective date of this code, unless plans are submitted and accepted for review, plans have been approved for construction, or a building permit has been issued prior to the effective date of this code

(2) Permanent consumer fireworks retail sales facilities and stores constructed prior to the effective date of this code and in which consumer fireworks retail sales have not been conducted either seasonally or year-round within one year prior to the effective date of

**(3) Temporary consumer fireworks retail sales facilities and stores**

7.1.2 Facility Classification. The requirements of this chapter shall apply to the following:

(1) Permanent buildings and structures, including the following:

(a) Stores

(b) Consumer fireworks retail sales facilities

**(2) Temporary facilities, including the following:**

**(a) Consumer fireworks retail sales stands**

**(b) Tents**

(c) Canopies

(d) Membrane structures

7.2 Special Limits for Retail Sales of Consumer Fireworks.

7.2.1 Retail sales of consumer fireworks, including their related storage and display for sale of such fireworks, shall be in accordance with this code.

7.2.2\* Retail sales of consumer fireworks shall be limited to Mercantile occupancies defined in NFPA 101, Life Safety Code.

7.2.3 Any building or structure used for the retail sales of consumer fireworks, including their related storage, shall comply with NFPA 101, Life Safety Code, for mercantile occupancies, except as provided in this code.

7.2.4 Retail sales of display fireworks and pyrotechnic articles, including the related storage and display for sale of such fireworks and articles, shall be prohibited at a consumer fireworks retail sales facility or store.

7.2.5 Retail sales of certain explosive devices prohibited by the Child Safety Act of 1966, including the related storage and display for sale of such devices, shall be prohibited at a consumer fireworks retail sales facility or store.

7.2.6 The retail sales of pest control devices, including their related storage and display for sale, shall be prohibited at a consumer fireworks retail sales facility or store.

7.2.7 The retail sales of fireworks that do not comply with the regulations of the U.S. Consumer Product Safety Commission as set forth in 16 CFR 1500 And 1507 and the regulations of the U.S. Department of Transportation as set forth in 49 CFR 100 to 178, including their related storage and display for be prohibited.

7.3 General Requirements for All Retail Sales.

7.3.1 Exempt Amounts.

7.3.1.1 The requirements of this chapter shall not apply to consumer Fireworks retail sales facilities or stores where the consumer fireworks are in packages and where the total quantity of consumer fireworks on hand does not exceed 125 lb (net) [56.8 kg] of pyrotechnic composition or, in a building



Protected throughout with an approved automatic sprinkler system installed in accordance with NFPA 13, Standard for the Installation of Sprinkler Systems, 250lb (net)[113.6 kg] of pyrotechnic composition.

7.3.1.2 Where the actual weight of the pyrotechnic composition of consumer fireworks is not known, 25 percent of the gross weight of the consumer fireworks, including packaging, shall be permitted to be used to determine the weight of the pyrotechnic composition.

7.3.2\* Permits. Where required by state or local laws, ordinances, or regulations, a permit for the following shall be obtained:

(1) Construction, erection, or operation of the following:

(a) Permanent building or structure

**(b) Temporary structure such as a stand, tent, or canopy used for the purpose of the retail display or sale of consumer fireworks to the public**

(2) Storage of consumer fireworks in connection with the retail display or sale of consumer fireworks

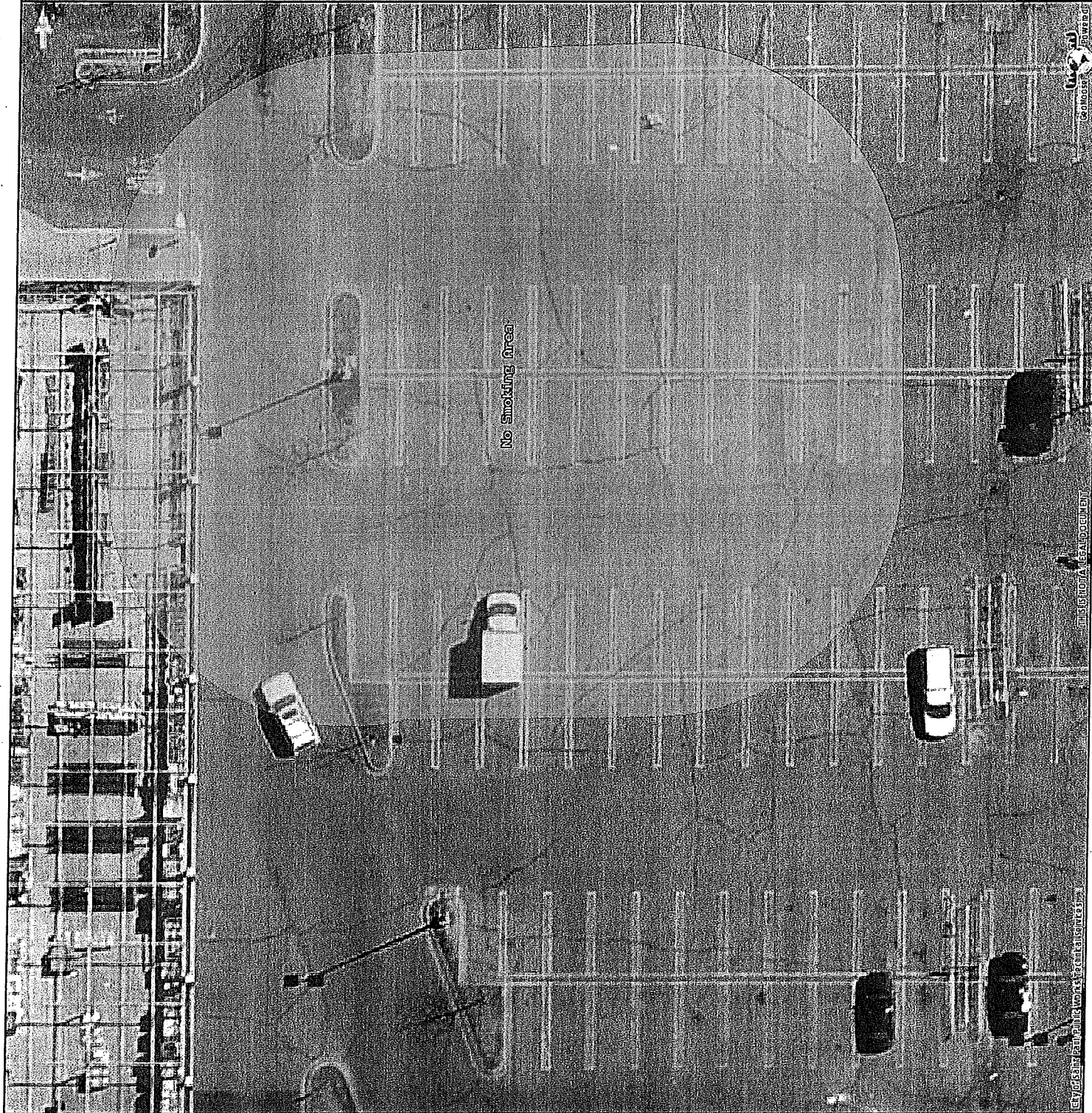
Renaissance Fireworks Inc.

Links to the information I have printed out for you

<http://www.dps.state.mn.us/fmarshal/Fireworks/FireworksStatutes.html>

<http://www.nfpa.org/aboutthecodes/AboutTheCodes.asp?DocNum=1124>

<http://www.nfpa.org/aboutthecodes/AboutTheCodes.asp?DocNum=1124>



Drawn Area

Interstate

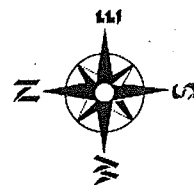
Highway or County Road

Local Road

Ramp

Other Street

WATER



THE CITY OF LOS ANGELES

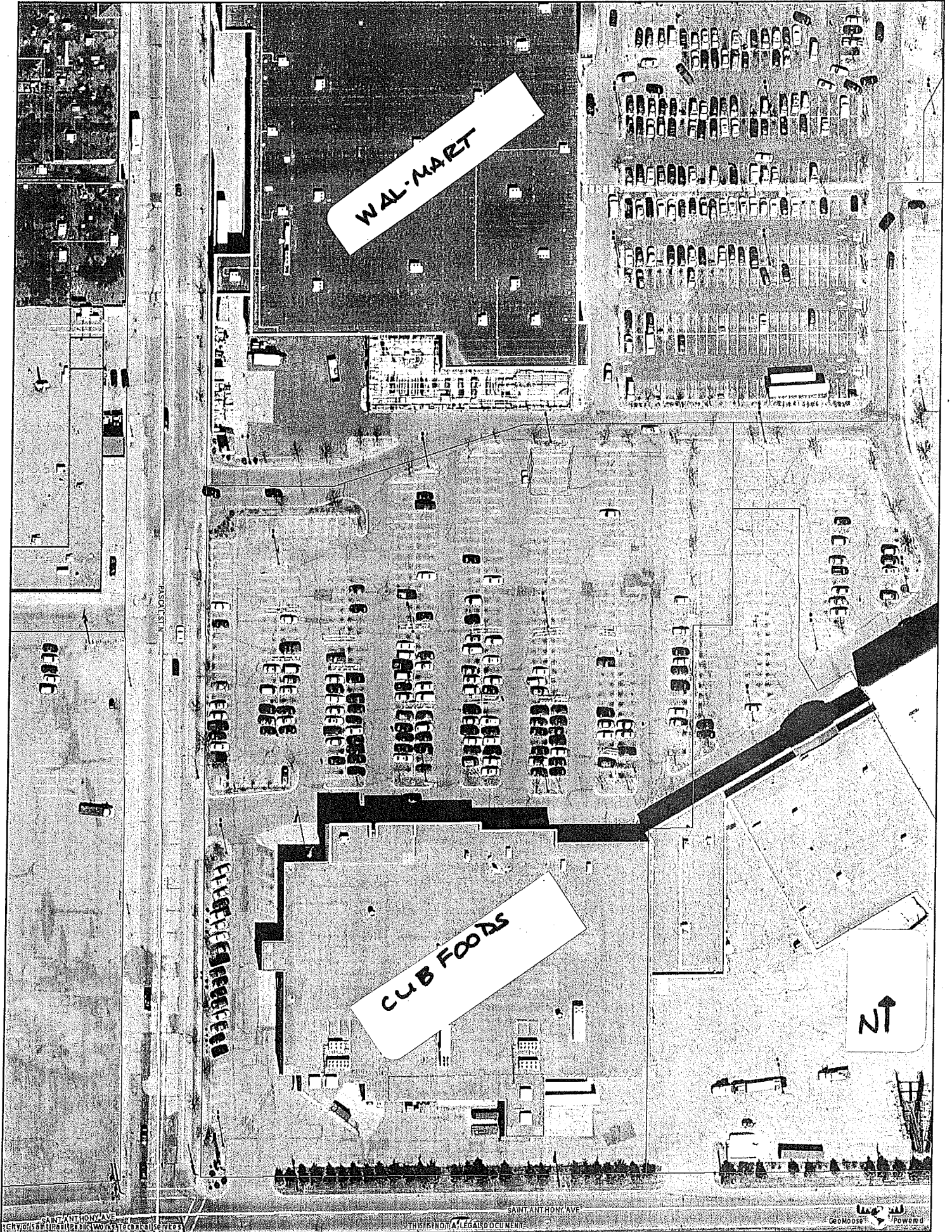
CITY OF LOS ANGELES



WAL-MART

CLUB FOOTDS

N



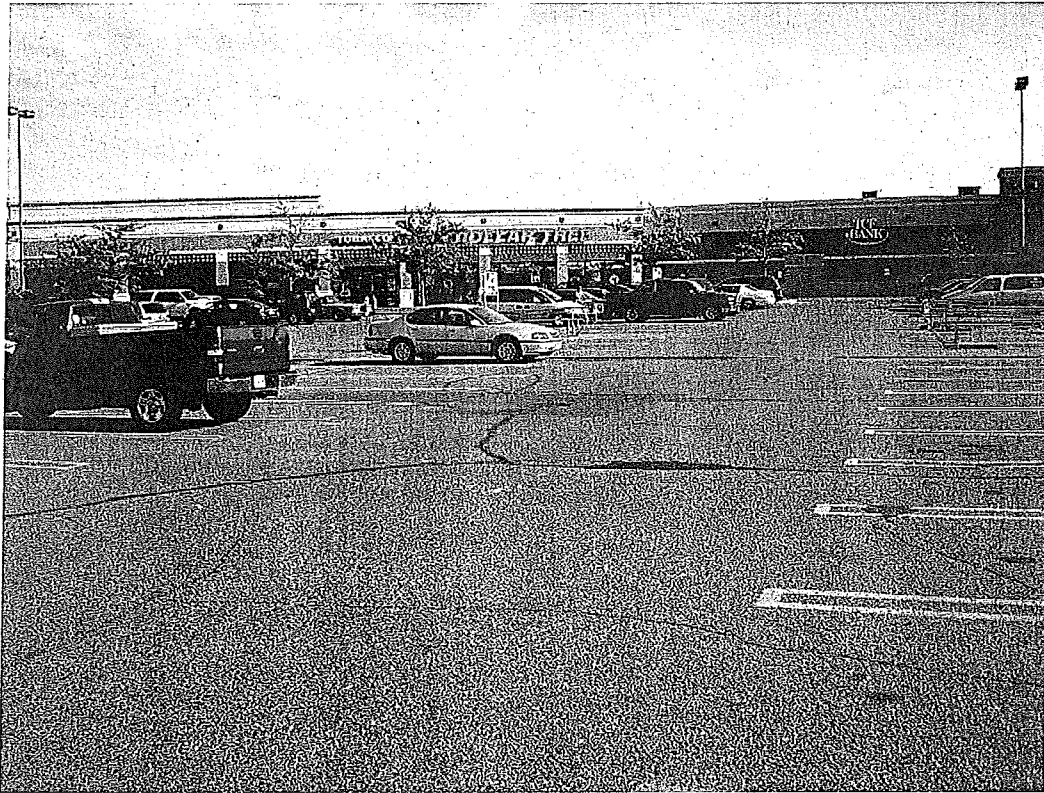


Fireworks Sales site looking north



Fireworks sales site looking south

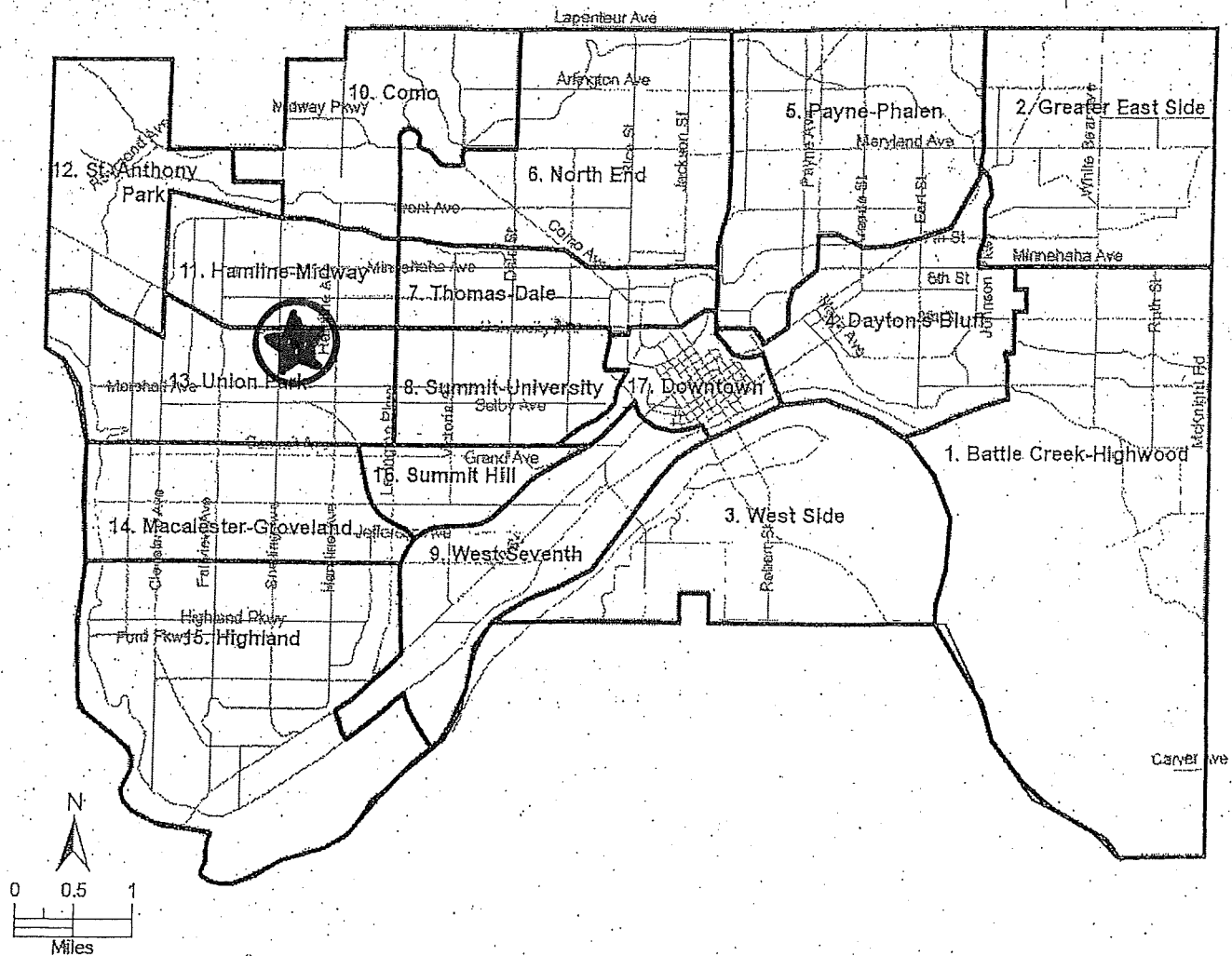




From site to southeast



From site to northeast

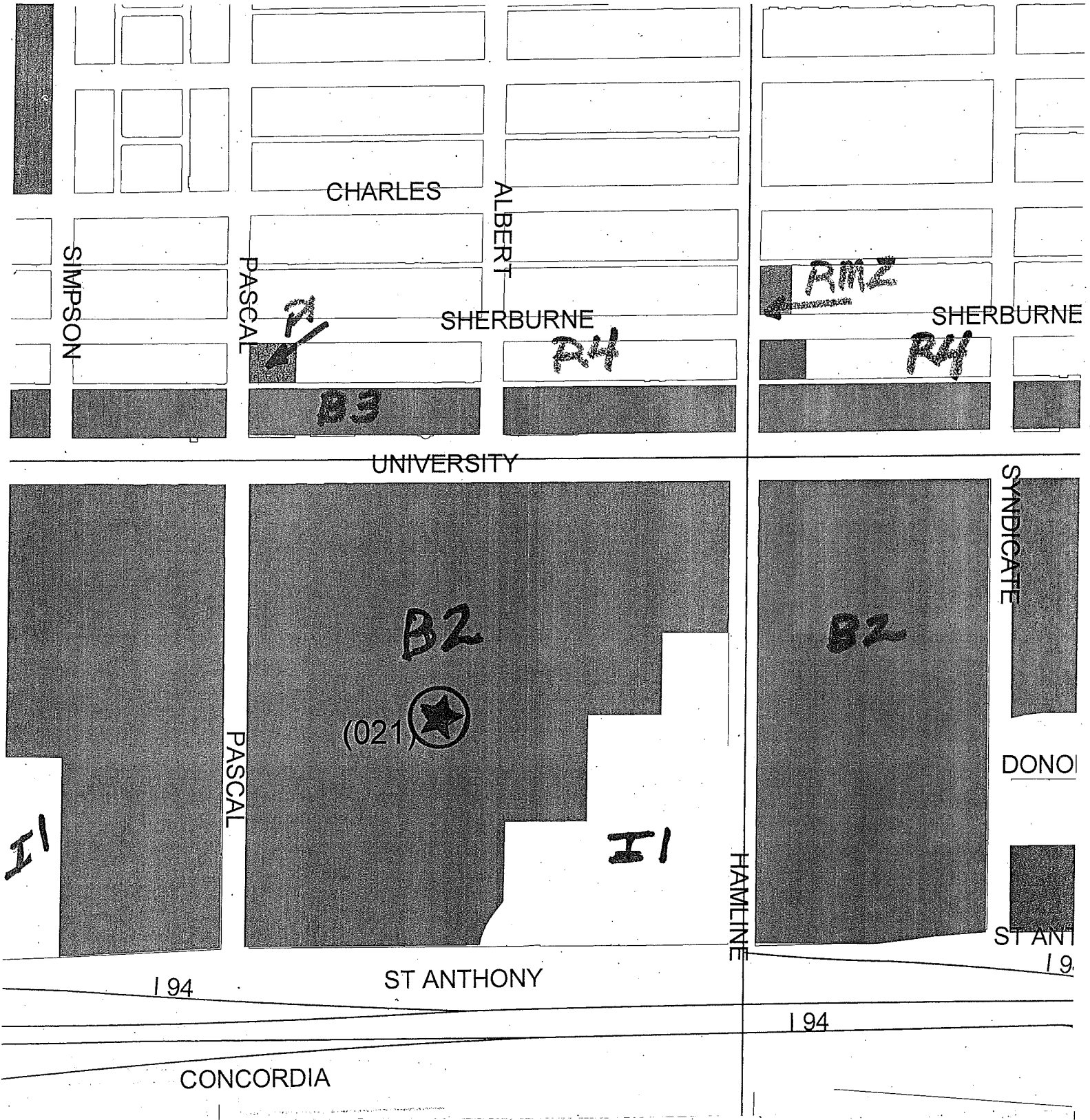


Source: City of Saint Paul

### CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE - MIDWAY
12. ST. ANTHONY
13. UNION PARK
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

# 10-320034



APPLICANT Renaissance Fireworks

PURPOSE Conditional USE

FILE # 10-320034 DATE 5-11-10

PLNG. DIST. 13 MAP # 18

SCALE 1" = 400'



LEGEND

zoning district boundary

subject property

one family  
 two family  
 multiple family

north  
 commercial  
 industrial  
 vacant